Friday,
24th August, 1956

LOK SABHA DEBATES

VOLUME VI, 1956

(13th August to 8th September, 1956

THIRTEENTH SESSION, 1956

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA

Friday, 24th August, 1956

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Agricultural Credit (Stabilisation) Fund

*1343. **Shri Shree Narayan Das:** Will the Minister of **Food and Agriculture** be pleased to state the names of State Co-operative Banks which are maintaining Agricultural Credit (Stabilisation) Fund or which have been asked by the Reserve Bank of India to maintain such funds ?

The Minister of Agriculture (Dr. P. S. Deshmukh): Andhra, Bombay, Madhya Pradesh and PEPSU. The Reserve Bank of India has not issued any general instructions in this regard.

Shri Shree Narayan Das: May I know whether any of the State Co-operative Banks has asked for loan from the National Agricultural Credit (Stabilisation) Fund so far and, if so, what are the terms and conditions on which loans are granted from this Fund to the State Co-operative Banks?

Dr. P. S. Deshmukh: No such application, at least to my knowledge, has been received.

Shri N. B. Chowdhury: May I know what amount, out of the amount allotted in the recent Reserve Bank Amending Bill to this Fund, has up till now been allotted to the local Funds ?

Dr. P. S. Deshmukh: I would like to have notice of the question.

Shri Shree Narayan Das: May I know whether at lower levels co-operative societies, or some other institutions higher up, have also been asked to constitute a Fund of this nature?

Dr. P. S. Deshmukh: Nobody has been specifically asked, but this is part of the recommendations contained in the

Rural Credit Survey Committee's report, and that is also intended to be implemented later on but no such steps have so far been taken.

Assam Allowance

*1344. **Shri T. B. Vittal Rao:** Will the Minister of **Communications** be pleased to refer to the reply given to Starred Question No. 1588 on the 20th April, 1956 and state:

(a) whether any decision has since been arrived at regarding the grant of Assam allowance to the Civil Aviation employees, stationed in the aerodromes in Assam; and

(b) if so, when the decision will be given effect to?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) and (b). I lay on the Table of the Lok Sabha a statement giving the requisite information. [*See* Appendix VIII, Annexure No. 14].

Shri T. B. Vittal Rao: It is mentioned in the statement that these allowances will take effect from the 1st June, 1956. May I know whether orders have been issued in this respect?

Shri Raj Bahadur: Yes, Sir, orders have been issued.

Shri T. B. Vittal Rao: May I know if these allowances granted to these employees are in accord with the report submitted by the team of officials who went to Assam to make on-the-spot enquiry about the cost of living there?

Shri Raj Bahadur: The matter was under the examination and consideration of the Ministry of Finance for a good length of time. They went into the whole question, because it applies to the whole body of Central Government employees, and they took a decision, and finally the orders were issued.

Working Journalists

*1345. **Shri D. C. Sharma:** Will the Minister of **Labour** be pleased to state:

(a) whether Government have finalised the rules under section 20(1) of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955; and

(b) if so, whether a copy of the Rules will be laid on the Table of the Sabha?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The Working Journalists Wage Board Rules, 1956, regulating the procedure to be followed by the wage Board for Working Journalists, were pulished in Part II Section 3 of the Gazette of India dated the 4th August, 1956 and were placed on the Table of the Lok Sabha on the 16th August, 1956. The rules relating to payment of gratuity, hours of work, holidays, leave, etc. admissible to Working Journalists, are yet to be finalised. They will be placed on the Table of the Lok Sabha in due course.

Shri D. C. Sharma: May I know how many meetings of the Wage Board have so far been held to finalise these rules and how many more meetings will be required before a final decision is taken about these matters?

Shri Abid Ali: The Board has held two or three meetings. The questionnaire has been finalised and sent to the parties concerned and the replies have been received. Now the Board will start touring. They may be going to Travancore-Cochin first and they expect to complete their work within a period of three or four months.

Shri D. C. Sharma: May I know to what agencies this questionnaire was sent, whether it was sent only to newspaper proprietors or also to working journalists?

Shri Abid Ali: To working journalists also, to everyone concerned with the industry.

Shri T. B. Vittal Rao: What is the reason for the delay in finalising the rules regarding gratuity to these employees, since these employees were not getting a living wage for a long time?

Shri Abid Ali: They are getting wages.

Shri T. B. Vittal Rao: Living wage.

Shri Abid Ali: There is no delay. Because, this matter came to us in April. We framed the rules and sent them to the parties in the month of May. The replies were received in the month of June. A meeting of the representatives was convened in July. Their comments have again been sent to the parties for their opinion. And as soon as we receive their comments, these will be incorporated, as far as possible, and then gazetted.

श्री भक्त दर्शन : क्या इन नियमों को बनाते समय इस बात का ध्यान रखा जा रहा है कि इन नियमों को सभी भाषाओं के पत्रों पर समान रूप से लागू किया जाये यानी हिन्दी और दूसरी भाषाओं के पत्रों में और अंग्रेजी भाषा के पत्रों में कोई डिस्क्रिमिनेशन न किया जाये ?

श्री आबिद अली : इस बात पर भी विचार किया जा रहा है ।

Shri Gidwani: Is it a fact that some working journalists who are working in some newspapers have neither the facilities to attend the meetings of the Board nor are they paid any special allowance for the purpose?

Shri Abid Ali: I received a complaint from one member of the Board. The employer concerned was approached to give the leave, and I understand that the leave has been given.

Shri D. C. Sharma: The Minister has stated that the members of the Board will be doing some travelling. May I know whether they will be travelling so as to understand the finances of various papers and their capacity for payment or they will be doing so to see the living conditions of these journalists in various parts of India in order to arrive at an equitable judgement with regard to this?

Shri Abid Ali: They are at liberty to go into the items that they consider necessary. They are not precluded from doing anything.

Shri Gidwani: May I know when the Press Council will be constituted?

Shri Abid Ali: That, I think, will not be done by the Labour Ministry. The Information and Broadcasting Ministry may be asked about it.

Railway Corruption Enquiry

*1346. **Shri Dabhi:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1707 on the 24th April, 1956 and state:

(a) whether the special enquiry conducted by a Committee of District Officers including the Vigilance officer regarding the allegation of corruption at Sabarmati and also in the office of District Traffic Superintendent, Ahmedabad, in respect of booking live-stock traffic locally over the Broad Gauge in preference to such traffic requiring transhipment at Sabarmati has concluded; and

(b) if so, the result of the enquiry?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) No evidence by way of specific instances of demand or payment of illegal gratification was forthcoming and the allegation of corruption was held as not proved.

Shri Dabhi: Am I to understand that the enquiry took place and nothing was found?

Shri Alagesan: Yes.

Shri T. B. Vittal Rao: Who conducted the enquiry?

Shri Alagesan: A Committee of District Officers.

Shri Punnoose: When was the enquiry ordered?

Shri Alagesan: I do not have the dates before me.

ग्रामीण क्षेत्रों में परिवार आयोजन

*१३४७. **श्री भक्त दर्शन :** क्या स्वास्थ्य मंत्री १८ मई, १९५६ के तारांकित प्रश्न संख्या २३४१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगी कि :

(क) क्या ग्रामीण क्षेत्रों में परिवार आयोजन का प्रचार करने वाली योजना को अन्तिम रूप दिया जा चुका है ;

(ख) यदि हां, तो क्या योजना की मोटी रूपरेखाओं और उसके वित्तीय पहलुओं का एक विवरण सभा-पटल पर रखा जायेगा;

(ग) इस योजना को कहां कहां पर और कब से चालू किया जायेगा ; और

(घ) यदि अभी तक अन्तिम निर्णय नहीं हुआ तो कब तक हो जाने की आशा है और विलम्ब के क्या कारण हैं ?

स्वास्थ्य उपमंत्री (श्रीमती चन्द्रशेखर) : (क) जी, नहीं ।

(ख) तथा (ग) ये प्रश्न नहीं उठते ।

(घ) आशा है कि अगले तीन महीनों के अन्दर इस योजना पर अन्तिम निर्णय हो जायेगा । इस बारे में अन्तर्विभागीय सलाह लेनी आवश्यक थी जिससे कुछ देर हो गयी ।

श्री भक्त दर्शन : चूंकि ग्रामीण जनता को उन्हीं की भाषा में और उन्हीं के ढंग पर इस विषय को समझाने की आवश्यकता है, इसलिये क्या ग्रामीण पंचायतों, कम्युनिटी प्राजेक्ट्स और नेशनल एक्सटेंशन ब्लाक्स (राष्ट्रीय प्रसारण सेवा) के अधिकारियों का इस विषय में सहयोग लेने पर विचार किया जा रहा है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : मेरे ख्याल में यह काम पंचायतों के हाथ में तो देना जरा मुश्किल होगा लेकिन जितने भी हमारे हेल्थ सेंटर्स गांवों में काम कर रहे हैं, वे कम्युनिटी प्राजेक्ट्स द्वारा और नेशनल एक्सटेंशन ब्लाक्स के द्वारा यह काम करेंगे और मोबाइल वैंस भी इसमें इस्तेमाल की जायेंगी ।

श्री भक्त दर्शन : क्या इस बात पर भी विचार किया गया है कि परिवार नियोजन का काम ऐसे व्यक्तियों के हाथों में दिया जाये जिनको कि वैवाहिक जीवन का व्यवहारिक अनुभव हो और यह काम ऐसे लोगों को न दिया जाये जिन्होंने केवल पुस्तकों में कुछ पढ़ कर ज्ञान प्राप्त किया हो ?

Mr. Speaker: Tne hon. Memeber wants to know why this work is entrusted to persons who have no experience of family life.

राजकुमारी अमृत कौर : यह तो मैं कहने को तैयार हूं कि ऐसे ही व्यक्ति इस काम को उठायेंगे जो जनता से सम्बन्ध रखते हों, जो जनता को समझते हों और जो हमारे रिवाजों को भी समझते हों ।

Shri Gidwani: How many clinics will be opened in the rural areas, during the Second Five Year Plan period, and how much money will be spent on them?

Shrimati Chandrasekhar: During the Second Five Year Plan period, about 2,000 rural clinics will be opened, and the cost will be about Rs. 230 lakhs for the rural clinics alone.

Shri Gidwani: Will they be separate units, or will they be associated with health organisations spread all over the country?

Shrimati Chandrasekhar: Most of them will be in connection with the primary health units and they will be working in association with the maternity and child health schemes.

Shrimati Jayashri: May I know whether any cases have come to the notice of Government, where advertisements of wrong methods have done harm to women, and if so, whether such wrong advertisements have been fenalised?

Rajkumari Amrit Kaur: Advertisements are put out which are not very good. As far as possible, we try to educate our centres that the women should be told not to take any notice of them. And where we can take action against them under the new Act, namely the Drugs and Magic Remedies (Objectionable Advertisements) Act, we do so.

Co-operative Farming

*1348. **Sardar Akarpuri:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government have fixed targets for co-operative farming to be achieved during the Second Five Year Plan;

(b) if so, targets fixed State-wise; and

(c) the steps envisaged to make co-operative farming a success?

The Minister of Agriculture (Dr. P. S. Deshmukh:) (a) Yes Sir.

(b) No State-wise break-up has yet been made.

(c) In the Conference of State Ministers of Co-operation held at Mussoorie last month it was decided to undertake 500 experiments in co-operative farming during this year.

सरदार अकरपुरी : क्या मैं जान सकता हूं इस के टार्गेट नियत करने का फैसला कब तक हो जायेगा ?

डा० पं० शा० देशमुख : टैंटेटिव टार्गेट तो फिक्स किया गया है १२५०, मगर अभी इसके डिटेल्स वर्क आउट नहीं हुये हैं ।

खाद्य और कृषि मंत्री (श्री अ० प्र० जैन) : अगले महीने में राज्य सरकारों से बात होने वाली है और उस में यह निश्चय हो जायेगा कि किस राज्य को कितने फार्म दिये जायेंगे । मैं इतना और बता दूं कि दूसरी फाइव इयर प्लैन में कहा गया है कि १२५० का टार्गेट है, लेकिन अब हमारा निश्चय यह है कि हर एक कम्युनिटी प्राजेक्ट एरिया में और एक्स्टेंशन सर्विस ब्लाक के अन्दर कम से कम एक कोआपरेटिव फार्म दूसरी पंचवर्षीय योजना के काल में कायम किया जायेगा ।

सरदार अकरपुरी : क्या मैं जान सकता हूं कि किसी स्टेट में कोई को आपरेटिव फार्म नहीं भी कामयाब हुए हैं ?

श्री अ० प्र० जैन : हां, लेकिन कुछ फार्म सफल हुये हैं और अच्छा चल रहे हैं ।

श्री हेम राज : क्या मैं जान सकता हूं कि पिछली पंचवर्षीय योजना के काल में कितने कोआपरेटिव फार्म खोले गये थे और उन में से कितने कामयाब हुए, और क्या यह हकीकत है कि यू० पी० के चीफ मिनिस्टर साहब ने पिछले दिनों यह बयान दिया है कि कोई कोआपरेटिव फार्म कामयाब नहीं हुआ है ?

श्री अ० प्र० जैन : पहली पंचवर्षीय योजना में लगभग १५०० फार्म चलाये गये थे । अब, यह कहना तो मुश्किल है कि उन में से कितने कामयाब हुये हैं । लेकिन जो एक सर्वे किया गया उस से मालूम होता है कि थोड़े फार्म कामयाब हुए हैं । अब जो योजना हम बनाने जा रहे हैं, मुझ को आशा है कि यह फार्म उस में जरूर कामयाब होंगे क्योंकि वह देश के लिये बहुत आवश्यक हैं ।

प्रधान मंत्री तथा वैदेशिक कार्य तथा वित्त मंत्री (श्री जवाहरलाल नेहरू) : इस बारे में मैं भी कुछ अर्ज करना चाहता हूं क्योंकि कुछ गलतफहमी दिखाई देती है । आप में से जिन साहबों ने सेकेंड फाइव इयर प्लैन को पढ़ा है वे देख सकते हैं कि उस में कोआपरेटिव फार्मिंग पर कितना जोर दिया गया है । मैं कोआपरेटिव फार्मिंग कहता हूं, खाली कोआपरेटिव क्रेडिट सोसाइटी नहीं । जो कोआपरेटिव फार्मिंग नाम की चीज है उस पर जोर दिया गया है, और वह जरूरी बुनियाद है हमारे सारे ऐग्रिकल्चर के काम की और सेकेन्ड फाइव इयर प्लैन की । हमारी राय यह है और अगर कोई स्टेट के मिनिस्टर इस पर शक करते हैं तो वह आ कर हम से बात चीत करें क्योंकि इस के तो माने यह हैं कि जो बिल्कुल बुनियादी बात हम ने समझी है, उस को वह नहीं समझे हैं ।

सेठ गोविन्द दास : सरकारी कोआपरेटिव फार्मिंग देश में बहुत आवश्यक है, यह तो ठीक है लेकिन क्या माननीय मंत्री जी को यह बात मालूम है कि हर राज्य में सहकार पद्धति से काम चलाने के लिये अलग अलग कायदे हैं और कुछ राज्यों में वे कायदे इतने सख्त हैं और इतने मतभेद वाले हैं कि वहां पर इस प्रकार के सहकार फार्मों में यह कायदे ही सब से बड़ी दिक्कत हैं । क्या इस बात का भी विचार किया जा रहा है कि सारे देश में इस सम्बन्ध में एक से कायदे हों और जो दिक्कतें हों वे दूर की जायें ?

श्री अ० प्र० जैन : माननीय सदस्य ने जो कहा कि कुछ राज्य में ऐसे कायदे हैं जो सहकार खेतों के बढ़ने में रुकावट पैदा कर रहे हैं, यह ठीक है । कुछ राज्यों के अन्दर कायदा यह है कि अगर किसान अलग अलग खेती करें और उन के पास थोड़ी थोड़ी जमीन हो तो उन को ऐग्रिकल्चरल इनकम टैक्स नहीं देना होता है, लेकिन अगर २०, २५ या ५० किसान मिल कर सहयोगी खेती करें तो चूंकि आमदनी बढ़ती है, इसलिये इनकम टैक्स लग जाता है । तकावी के बारे में भी ऐसा ही है । मैं यह तो नहीं कहता कि सब जगह एक से कायदे हो जायेंगे, लेकिन जो भी रुकावटें हैं उन्हें दूर किया जायेगा क्योंकि हम इन फार्मों को कामयाब करना चाहते हैं ।

Shri Kamath : Do Government propose to encourage only co-operative farming, or also collective farming on the soviet model?

Shri A. P. Jain : So far, our scheme is to encourage co-operative farming. We do not propose to have collective farming.

Shri Jaipal Singh : In view of the fact that the pattern of tribal economy is more conducive to the development and encouragement of co-operative farming, may I know in how many of the tribal areas or scheduled areas, Government have attempted this?

Shri A. P. Jain : I am not in a position to answer that question straight off. But I can promise the hon. Member that I shall lay the greatest emphasis on areas where this has the largest chances of success.

श्रीमती कमलेन्दुमति शाह : क्या यह सही है कि रशिया जैसे स्थान में भी यह साबित हो चुका है कि कोआपरेटिव फार्मिंग बहुत सक्सेसफुल नहीं होती है क्योंकि जो फार्मर्स हैं वे अपने छोटे बागीचों में ज्यादा मेहनत करते हैं और बड़े बागीचों में उतनी मेहनत नहीं करते ?

श्री अ० प्र० जैन : रूस के अन्दर कोआपरेटिव फार्मिंग नहीं है, वहां कलेक्टिव फार्मिंग है । जो हमारा कोआपरेटिव फार्मिंग का पेटर्न है वह रूस के पैटर्न से अलग है और आशा है कि वह जरूर कामयाब होगा ।

श्रीमती कमलेन्दुमति शाह : क्या कोआपरेटिव फार्मिंग में यह नहीं हो रहा है कि जो आदमी उस का काम करता है वह दूसरों से आर्थिक भाग ले कर खुद फायदा उठाता है और उसका उन्हें कोई भाग या हिसाब नहीं देता है ?

श्री अ० प्र० जैन : किसी चीज की कामयाबी का अन्दाजा बेईमान आदमी के काम से तो नहीं लगाया जा सकता ।

श्री रा० ना० सिंह : क्या यह सही है कि सरकार के कुछ नियम और कानून ऐसे होते हैं जिन से सहकार कृषि फार्म असफल हो जाते हैं ?

श्री अ० प्र० जैन : इस का जवाब तो मैं दे चुका हूं ।

Prevention of Accidents in Factories

*1350. **Shri Jhulan Sinha**: Will the Minister of **Labour** be pleased to state the progress made in the preparation of safety pamphlets for the prevention of accidents in factories?

The Deputy Minister of Labour (Shri Abid Ali): Four Committees were constituted for collection of the basic data for preparing safety pamphlets on different types of machinery. One of the Committees has completed its work and is expected to submit its report shortly. The work of the other committees is still in progress.

Shri Jhulan Sinha: May I enquire whether, as a result of the steps already taken or proposed to be taken, there has been any reduction in the rate of accidents in the factories so far?

Shri Abid Ali: Certainly, that is the attempt.

Shri P. C. Bose: May I know whether Government are aware that there are several conventions in the ILO regarding the prevention of accidents, and if so, whether they have sought the help of those conventions?

Shri Abid Ali: The action that we have taken or propose to take with regard to these conventions has already been communicated to Parliament. It has been placed on the Table of the Sabha already.

Replacement Aircrafts

*1351. **Shri Jaipal Singh:** Will the Minister of **Communications** be pleased to state:

(a) the number and type of replacement aircrafts ordered during the current year for the Indian Airlines Corporation;

(b) the number of Dakotas and Herons which will be declared surplus; and

(c) the method of disposal of the surplus aircrafts?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Five Viscounts aircraft have been ordered by the Indian Airlines Corporation during the current year with the approval of Government in addition to the Five Viscounts already ordered during the year 1955.

(b) No Dakota or Heron will become surplus.

(c) The Corporation propose to sell the Vikings when all the ten Viscounts are in position. The sale of Vikings will ordinarily be effected through firms specialising in such deals.

Shri Jaipal Singh: In regard to (a), when all the ten Viscounts are delivered and are in commission, the Dakotas will not become surplus, as just now stated by the hon. Minister. May I know for what puspose the Dakotas, which will be replaced oy the Viscounts, will be used?

Shri Raj Bahadur: It is our constant endeavour to open out new routes and to expand air services. What we intend to do is to put these Viscounts on the trunk or major routes and the Dakotas on the lesser important or feeder routes.

Shri Jaipal Singh: In reply to (c), the hon. Minister has said that the sale would be made through specialised agencies. Why specialised agencies and why not Government itself?

Shri Raj Bahadur: Our purpose is to get the maximum out of the sale transaction and we will try to explore all avenues and fix up where we can get the best pilce for our wares.

Shri Kasliwal: May I know whether after the purchase of these Viscouht aircraft Government has given up the idea of purchasing Ilyushins?

The Minister of Communications (Shri Jagjiwan Ram): No inference can be drawn like that, because the Viscoant is quite a different aircraft from the Ilyushin. Ilyushins are of the Dakota type.

Cinchona Cultivation

*1352. **Shri Krishnacharya Joshi:** Will the Minister of **Health** be pleased to state:

(a) Whether Government have accepted the recommendations of the conference held at Ootacamund in October, 1955, regarding the cultivation etc. of Cinchona; and

(b) if so, when they are going to implement them?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes.

(b) A statement showing the action taken by the Central Government on the resolutions adopted at the Quinine Conference is laid on the table of the Lok Sabha. [*See* Appendix VIII, annexure No. 15].

Shri Krishnacharya Joshi: From the statement, it appears that State Governments have been addressed to take urgent steps for regulating the production of cinchona. May I know what steps have been taken by State Governments?

Shrimati Chandrasekhar: We have not received the information from them.

Shri Krishnacharya Joshi: May I know whether, in addition to being used for anti-malarial drugs, cinchona is used for any other purpose?

Shrimati Chandrasekhar: Yes, there are some other possible uses for cinchona. The Council of Scientific and Industrial Research and the Indian Council of Medical Research were requested to examine this matter. We have received some remarks from the Council of Scientific and Industrial Research and they are as follows: the use of cinchona otherwise than for anti-malarial drugs can also greatly popularised. Then they say that cinchona salts were used 15 years ago for surgical conditions. They say that in view of the five properties that it possesses ——I can read them out if you permit..

Mr. Speaker: Details need not be gone into.

Shrimati Chandrasekhar: ..... this can be examined for further use. So the Indian Council of Medical Research have constituted a Studp Group. They

will have to submit a report after which further steps will be taken.

Shri S. C. Samanta : May I know why the Indian Standards Institution was not taken into confidence for the standardisation of quality and packing of cinchona ?

Shrimati Chandrasekhar : It is not taking the assistance of the institution that the hon. Member has mentioned. We have appointed an officer of the Finance Ministry, who is a cost accounts officer, who is going through the two States where cinchona plantation exists. Then a report will be submitted.

Shri Barman : May I know whether India has got to import quinine and whether the cinchona cultivation is being extended in different parts of India, for example, West Bengal or Madras.

Shrimati Chandrasekhar : We are not importing any quinine. The present production in West Bengal and Madras is enough, and we have not consumed all the produce. So we are taking steps to utilise it and not to produce any more.

सेठ गोविन्द दास : क्या मंत्राणी जी को यह बात मालूम है कि मध्य प्रदेश में बस्तर एक ऐसा स्थान है जहां कि यह कहा जाता है कि वहां पर सिंकोना पैदा किया जा सकता है। क्या इस सम्बन्ध में मध्य प्रदेश सरकार और केन्द्रीय सरकार के बीच कोई लिखा पढ़ी हुई है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर): बात यह है कि आज जो सिंकोना हम मद्रास और बंगाल में पैदा कर रहे हैं उसका उपयोग करना भी हमारे लिये मुश्किल है। इसका कारण यह है कि स्टेट्स अकसर जो सिथेटिक ड्रग्ज हैं उनको ज्यादा पसन्द करती हैं।

इस वास्ते सिंकोना प्लांटेशन को और भी बढ़ाना आज हमारे लिए जरा असम्भव सी बात है।

जैसा काम वैसा दाम

*१३३५. **श्री खू० चं० सोथिया :** क्या श्रम मंत्री यह बताने की कृपा करेंगे कि क्या "जैसा काम वैसा दाम" के सिद्धान्त को देश के उद्योगों में से किसी पर लागू करने के प्रश्न पर विचार कर लिया गया है?

श्रम उपमंत्री (श्री आबिद अली) : काम के अनुसार वेतन देने का तरीक़ा किसी खास उद्योग में ही सीमित नहीं है। उद्योग के कुछ कामों के लिये काम के अनुसार वेतन निश्चित करना संभव है, परन्तु सब कामों के लिये ऐसा नहीं किया जा सकता। काम के अनुसार वेतन विभिन्न मात्रा में कई एक उद्योगों में दिया जा रहा है; जैसे—सूती कपड़ा, मिट्टी के बर्तन, छापाखाना, काग़ज़ और चीनी आदि।

श्री खू० चं० सोथिया : क्या इस तरीके को और विस्तृत करने का सरकार इरादा रखती है ?

Shri Velayudhan : It must be translated into English. It is an important question.

Mr. Speaker : Let the supplementary question be answered first.

श्री आबिद अली : जहां तक कारखानेदार और कामगार का ताल्लुक है, उसके निमित्त यह काम होता रहता है।

Mr. Speaker : The hon. Minister will kindly read the answer in English also.

Shri Abid Ali : The adoption of the principle of 'wages according to work' is not restricted to any particular industry. In certain processes in industry, it is possible to work a piece-rate system while in certain others wage payments have to be made on a time-rate basis. The principle of piece-rates has been adopted in varying degrees in a number of industries, *e.g.*, cotton textiles, potteries, printing presses, paper, sugar, etc.

Shri P. C. Bose : Are the Government aware that the workers generally are not so much in favour of the piece-rate system as of the time-rate system ?

Shri Abid Ali : That is a matter of opinion.

Shri Mohiuddin : May I know whether it is the policy of Government, in order to increase productivity of Labour, to encourage the piece-rate system ?

Shri Abid Ali : Yes, wherever it is possible.

Shri K. P. Tripathi : May I know if it is a fact that enlightened opinion all over the world favours the position that the piece-rate should not apply merely to minimum wages but should apply to living

wages ? Since most of the workers are still at the minimum wage level, will not the encouragement of the piece-rate system, that is, payment according to work, be detrimental to the workers' interests ?

Shri Abid Ali : As a matter of fact, the piece-rate system has been introduced in Bombay Port and the workers very much like it. In fact, their income has been doubled, and even more than doubled in some time.

श्रीमती कमलेन्दुमति शाह : मैं जानना चाहती हूं कि क्या स्त्रियों और पुरुषों को बराबर बराबर वेजिज़ देने की बात भी सोची जा रही है या नहीं ?

श्री आबिद अली : गवर्नमेंट की नीति तो यही है ।

Shri Velayudhan : May I know whether in many industries in India the wages are fixed not according to the work but according to the whims and fancies of managements ?

Shri Abid Ali : That may be the opinion and experience of the hon. member.

Shri N. B. Chowdhury : May I know whether the ILO experts or the industrial business consultants or the Government themselves have undertaken any studies "to see whether there is any scope for wage increases even at the present level of productivity" as given in the Second Five Year Plan, according to the directives of the Planning Commission.

Shri Abid Ali : Of course, we are very much alive to this question and are in touch with it.

Shri T. B. Vittal Rao : The hon. Minister has stated that the average wage of the worker in Bombay Port has doubled. Could we have a statement giving the comparative average wages during these two periods ?

Shri Abid Ali : It has considerably increased, and in some cases, doubled. If the hon. Member wants any further information, he may table a question.

Shri T. B. Vittal Rao : Why not he give it now?

Mr. Speaker : He may not be able to say offhand.

Railway Bridge at Thana

*1357. **Shri Gidwani** : Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that representations have been received by Government for construction or extension of railway bridge at Thana for convenience of displaced persons and other residing in Kopri colony and other adjacent areas

(b) whether Government have considered them; and

(c) if so, what is their decision ;

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Yes.

(c) The work of extension of railway foot-overbridge at Thana is proposed to be included in the 1957-58 Works Programme.

Shri Gidwani : When will it be started ?

Mr. Speaker: In 1957-58.

Forest Research Station in Mysore

*1360. **Shr Madiah Gowda** : Will the Ministsr of **Food and Agriculture** be pleased to state :

(a) whether it is a fact that a Regional Forest Research Station is proposed to be established in Mysore State during the Second Five Year Plan period;

(b) if so, the main research items that will be introduced there ; and

(c) the recurring and non-recurring expenditure for the institute?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) Yes, Sir.

(b) The Station will conduct research on Forest Products Utilisation and also on the 'spike' disease of sandal wood.

(c) The recurring and non-recurring expenditure have not yet been worked out.

Shri Madiah Gowda : May I know whether this station is being established in the city area or in a forest area ?

Dr. P. S. Deshmukh : We are proposing to take over the existing laboratory; I do not know exactly where it is situate.

Shri Madiah Gowda : If it is in Bangalore city itself, will they try to transfer it to a forest area where the research work can be conducted near the woods ?

The Minister of Food and Agriculture (Shri A. P. Jain) : The present situation is perfectly all right.

Shri S. C. Samanta : May I know whether the whole expenditure will be borne by the Central Government or whether the State Government will share some of it ?

Dr. P. S. Deshmukh : I think there is some provision in the Second

Five Year Plan ; but, I am afraid I could not give the details about sharing.

भोजन व्यवस्था

*१३६१. श्री म० ना० सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को इस बात का पता है कि विभागीय कैन्टीन खुल जाने के बाद स्टेशनों पर भोजन-व्यवस्था करने वाले गैर-सरकारी व्यक्तियों के यहां खाद्य-पदार्थ तथा सफाई का स्तर गिर गया है ;

(ख) क्या सरकार को यह भी पता है कि भोजन-व्यवस्था करने वाले बहुत से व्यक्ति प्रायः अपने रसोइयों और बैरों को बदलते रहते हैं जिसके परिणामस्वरूप नये, अनजान और अनुभवशून्य रसोइयों के द्वारा अच्छा भोजन या अच्छी चाय नहीं बन पाती; और

(ग) क्या सरकार इस स्थिति को सुधारने के लिए कार्यवाही करना चाहती है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जी नहीं, बल्कि जब से सभी रेलों में रेलवे की तरफ से खान-पान की व्यवस्था (Departmental Catering) शुरू की गयी है, प्राइवेट ठेकेदारों द्वारा बेची जाने वाली खाने-पीने की चीजों के स्तर में आमतौर पर सुधार दिखाई पड़ रहा है ।

(ख) जी, नहीं ।

(ग) सवाल नहीं उठता ।

Sardar A. S. Saigal : May I know whether Government is contemplating deputing some of the hon. Members to go round and give their opinion about departmental catering ?

Shri Alagesan : Many hon. Members have given me their opinions about the way in which departmental catering is run. They have generally been satisfied with the way in which departmental catering is being done. There are also Zonal Committees, on which Members of Parliament serve, who inspect these catering establishments and send their opinions.

Shrimati Ammu Swaminadhan : May I ask the hon. Minister whether he has recently had any food in the Grand Trunk Express coming from Madras to Delhi and whether he has not found the food situation has deteriorated very much and we get very very poor food in the train ?

Shri Alagesan : I am afraid the hon. Member is getting more and more delicate, of course, as years pass on and she is rather exaggerating.

Shrimati Ammu Swaminadhan : I am sorry that this is the kind of answer given and I think it will be good for the hon. Minister to enquire from any other hon. Member who travels from Madras to Delhi or Delhi to Madras by the Grand Trunk Express and who is not as delicate as myself and find out what kind of food we get in the Grand Trunk Express.

Shri Alagesan : I may say one thing. I have myself had the food.

Shri Velayudhan : That should not be taken as the standard.

Shri Alagesan : You will remember the question was whether, I have tasted the food. So, I say, I have tasted the food.

Shri Velayudhan : Have you tasted the food.

Mr. Speaker : If he has not tasted it as Minister, he would not be here to reply.

Shri Alagesan : I do know whether the hon. Member has tasted food on foreign railways which he has visited. I would like him to compare the food supplied there and the food supplied here. I have had occasions to go by the Grand Trunk Express and taste the food and one thing I can say is that after it has been taken over by the department it has improved much more than it was previously. It is the common opinion that has been expressed to me.

Mr. Speaker : I would request the hon. Minister that, when a responsible Member of the House says that it is deteriorating or deteriorated, he should look into it.

Shri Alagesan : I am prepared to look into it; but it is my duty also to place the other side of the picture before the House and that is what I have done.

Shri Velayudhan : Why should the hon. Minister cast an aspersion on the age of some other hon. Member which has nothing to do with catering in the train ?

Shri M. R. Krishna : May I know whether the same managerial staff that was there before the Railways took over this catering are still there and if the same staff is continued how can the hon. Minister ensure that the food that is being served in the Grand Trunk Express will change ?

Shri Alagesan : It was one of the very definite things that were laid down, when we took over this catering and the catering establishments for departmental management, that we shall absorb the staff that were previously employed by the contractors, as much as possible, subject to suitability and other things. Naturally, we have employed the staff that were employed previously by the contractors. Some of the servers are there and even some of the people serving in a managerial capacity may also be there. It does not mean that the entire staff is the old staff; there are new staff looking after the kitchen department etc.

Shri Matthen : May I know from the hon. Deputy Minister when this improvement in food started—not two months ago when I travelled?

Shri Alagesan : Food is a matter of individual taste and it is very difficult to strike at a common balance.

Mr. Speaker : In view of the fact that an hon. lady Member who does not ordinarily exaggerate things and another hon. Member from the same area say that the standard of food has gone down—it may be a different experience of the hon. Minister when people know him—I will urge upon both the hon. Ministers to look into the matter.

Shri Alagesan : I shall certainly do so.

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): I can understand that Ministers will be generally supplied with good food when they travel. But, I may still add that have visited the refreshment room and dining cars and I have taken them by surprise and tasted the food. And, I can say with a certain definiteness that the food has improved. I cannot say about the Grand Trunk Express because I have not travelled on that train for some time; but I can say definitely that the food under departmental catering has surely improved.

Dairy Farm at Lamphel

***1364. Shri Rishang Keishing** : Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that the Government of Manipur has proposed to start an Agricultural-*cum*-cattle Farm at Lamphel;

(b) if so, what amount has been provided in the budget of the current financial year for it; and

(c) whether it is a fact that experts have given their opinion against the starting of such a farm at Lamphal?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) Yes.

(b) Rupees fifty thousand.

(c) No.

Shri Rishang Keishing : Has Government drawn up a complete scheme, and, if so, what are the major items of expenditure?

Dr. P. S. Deshmukh : A complete scheme has been drawn up. We would be purchasing some 120 cows; there will be buildings for offices and laboratories and quarters for staff; and there would be purchase of poultry, possibly, there will be a Farm Superintendent in the scale of Rs. 150-450 as well as other staff and there will be feeding charges of cattle and poultry.

Shri Rishang Keishing : What area of Lamphel will be brought under this farm?

Dr. P. S. Deshmukh: I think I could not specify the area, Sir. There is said to be an area of 3000 acres altogether and 300 are under cultivation. I could not say particularly which area will be included.

Shri Rishang Keishing : May I enquire whether any experts were consulted before this farm was started and, if so, what opinion did they express?

Dr. P. S. Deshmukh : Yes, Sir. The Animal Husbandry Experts in the I.C.A.R. gave their opinion on the details of the scheme—that is, regarding the animal husbandry section of the scheme.

Shri Rishang Keishing : What is the main purpose of starting this Agricultural-*cum*-Cattle Farm?

Dr. P. S. Deshmukh : One is the upgrading of the cattle of this area. Secondly, to provide suitable paddy seed. As every body knows, this State depends on paddy cultivation and there is no suitable place where the paddy which would best prosper in this area was produced; and it is with that idea that this farm has been established.

Southern Railway Multistoried Building

***1365. Shri Ramachandra Reddi** : Will the Minister of **Railways** be pleased to state :

(a) whether the location of the multistoried air-conditioned building (Southern Railway) provided in the Budget of 1956-57, has been finally settled;

(b) if so, the location decided upon ; and

(c) when the work is likely to commence?

The Deputy Minister of Railways and Transport (Shri Alagesan) (a) Yes.

(b) The building will be located in the compound of the present General Offices building in Park Town, Madras.

(c) The Construction will be started as soon as the design is finalised and estimate sanctioned.

Shri Ramachandra Reddi: May I know the final estimates for this?

Shri Alagesan : It would be about Rs. 48 lakhs.

Shri Ramachandra Reddi : In view of the fact that there are two head quarters buildings, both in Madras and in Trichinopoly, to house the large staff of the Southern Railway, is it found necessary by Government to have another big air-conditioned building in Madras itself?

Shri Alagesan : We would not go in for construction of an office building unless it is absolutely necessary. As it is there is lake of accommodation for the existing staff, and it has been calculated that the accommodation that is needed would be to the tune of 1,38,000 square feet.

Shri Ramachandra Reddy May I know whether the present buildings cannot be air-conditioned ?

Shri Alagesan : I do not know whether the new building is going to be air-conditioned ; I do not know whether there is any proposal to ai--condition the persent buildings. It may lend itself but I do not know.

Shri B. S. Murthy : In view of the fact that the present area in the office is congested, may I know whether the present building will be dismantled for building new ones?

Shri Alagesan : There is enough site behind the present office building in the same compound; there is no need to dismantle the existing building.

Mr. Speaker : The hon. Member has seen the building, I think, because he is suggesting dismantling of the building.

Shri B. S. Murthy : Yes, that is why I am asking this question, Sir.

Mr. Speaker : It is as big as a mountain.

सेठ गोविन्द दास : इस सम्बन्ध में मैं एक उत्तर नीति के सम्बन्ध में जानना चाहता हूं । इस गरीब देश में इस प्रकार की एअरकंडीशन्ड और इतनी इतनी बड़ी इमारतों की क्या आवश्यकता है, और क्या इनके बिना काम नहीं चल सकता ?

Shri Alagesan : It is a general question, and I would request the hon. Member to take an evening walk along the Delhi streets ; he will find huge buildings rising up in every corner.

सेठ गोविन्द दास : मेरे सामने मेरे प्रश्न का उत्तर नहीं आया । मैं यह जानना चाहता था कि एक गरीब देश में इस प्रकार की एअरकंडीशन्ड इमारतों की कौनसी जरूरत है और क्या इनके बिना काम नहीं चल सकता ?

रेलवे तथा परिवहन मंत्री (श्री लाल बहादुर शास्त्री) : सब देखते हुये एअरकंडीशन्ड की जरूरत तो शायद बहुत नहीं है । मगर मेरा यह कहना गुस्ताखी होगी और शायद स्पीकर साहब भी इससे नाराज हो जायें, कि इस समय हम इत्तिफाक से एअरकंडीशन्ड हाल में बैठे हुए हैं । आप आजकल मद्रास की हालत को जाकर देखें । मुझे यह बात अच्छी नहीं लगती कि हमारे कुछ अफसर तो एअरकंडीशन्ड कमरों में बैठें और जो क्लर्क आदि हैं उनको हम नानएअरकंडीशन्स कमरों में रखें या बड़े बड़े हाल में रखें । यह बात मुझे नहीं जंचती यह हो सकता है कि किसी इमारत को एअरकंडीशन्स न किया जाये । लेकिन तब भी हम अफसरों के लिए ठंडक का कोई इंतिजाम करते हैं । मैं चाहता हूं कि यह अन्तर जहां तक कम किया जा सके अच्छा है । वैस्टर्न रेलवे में जो नयी इमारत का काम हो रहा था वह तो जारी है लेकिन एअरकंडीशनिंग का काम हो रहा था उसको अभी हमने रोक दिया है । जहां तक बड़ी इमारतों के बनाने का सवाल है वे तो हमको बनानी पड़ती हैं क्योंकि दफ्तर बहुत बड़े हो गये हैं ।

Shri B. S. Murthy : One more question. In view of the fact that Bezwada is exposed to blazing sun, may I know whether any such attempt will be made to provide air-conditioned offices to the railway employees there ?

Shri Lal Bahadur Shastri : It is not about building quarters ; the question is regarding putting up of offices, and this is about the headquarters office in Madras—the zonal headquarters office at Madras. At Bezwada, of course, it can only be a divisional office or regional office—divisional office now. We have certainly no objection, and provided funds are available, we will act according to

this policy. But there are offices and rooms in divisional headquarters too which are airconditioned. I would personally like the whole building to be air-conditioned.

Dibrugarh Workshop

*1368. **Shri Debendra Nath Sarma:** Will the Minister of **Railways** be pleased to state :

(a) whether any definite plan has been formulated to expand the Dibrugarh Workshop on the North-Eastern Railway ; and

(b) if so, the nature of the plan?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (*b*). The matter is under consideration of the Railway Board.

Shri Debendra Nath Sarma: May I know whether this plan will materialise during the Second Five Year Plan?

Shri Alagesan: That is the intention.

Hill Allowance

*1369. **Shri B. D. Pande:** Will the Minister of **Communications** be pleased to state :

(a) whether it is a fact that employees of almost all departments in the hills especially in the border area are given Hill Allowance ; and

(b) if so, the reasons why the Postal Department Officials are debarred from this allowance?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (*a*) Compensatory (hill) allowances are sanctioned on the basis of certain principles adopted on the recommendations of the Central Pay Commission and after taking into account the parallel practice of the State Governments concerned but without any specific reference to whether the hill stations are situated in the interior or in the border areas.

(*b*) P. & T. staff are also entitled to these allowances wherever sanctioned to the Central Government Staff.

Shri B. D. Pande: In view of the fact that the cost of living index in the hills is very great, especially in the border areas, will Government see that this allowance is sanctioned early?

Shri Raj Bahadur: We have to go by certain principles which are fixed after due examination of the situation obtaining in such areas. The Pay Commission in their report have divided them into three categories—hill stations, remote localities and localities with unhealthy climate. We give the allowances according to this categorisation.

श्रीमती कमलेन्दुमति शाह : क्या मैं जान सकती हूं कि जब और विभागों में एलाउंस दिया जाता है तो उन स्त्रियों को क्यों एलाउंस नहीं दिया जाता जो कि पहाड़ों के मैटरनिटी सेंटर्स में और चाइल्ड वेलफेअर सेंटर्स में काम करती हैं ?

श्री राज बहादुर : मैटरनिटी और चाइल्ड वेलफेअर सेंटर्स राज्य सरकारों के अधीन हैं ।

श्री हेमराज : इस वक्त जोगेन्द्र नगर और पालमपुर व अलहल में कम्पेन्सेटरी एलाउंस दिया जाता है, तो क्या वजह है कि उनके दरम्यान में बैजनाथ और पपरौला में नहीं दिया जाता ।

श्री राज बहादुर : मेरा अनुमान ऐसा है कि वहां पर राज्य सरकार भी नहीं देती होगी और केन्द्रीय सरकार द्वारा भी यह निश्चय नहीं किया गया होगा कि उन स्थानों पर दिया जाय, इसलिए नहीं दिया जाता ।

Shri N. B. Chowdhury: May I know whether the postal employees at Kalka get this allowance?

Shri Raj Bahadur: I cannot say it offhand, but there is a complete list of such stations, and I can place a copy of the list on the Table if required.

Shri B. D. Pande: In view of the fact that postal clerks are overworked and they do a lot of honest work and sit late hours, will Government sympathetically consider this question of paying them hill allowances?

Shri Raj Bahadur: They are getting the hill allowances wherever they are entitled to it. Their pay scales are also fixed on the basis of their work and if they work over-time, they get extra payment.

Shri B. S. Murthy: More allowance because they are more honest.

Mr. Speaker: If any particular employee is overworked, it may induce him to ask for more. I do not know what advantage is gained in asking for a statement from the Minister about this.

Railway National Users Committee

*1370. **Shri Hem Raj:** Will the Minister of **Railways** be pleased to state the decisions of the Railway National

Users Committee that have been accepted for implementation by Government during 1955-56?

The Deputy Minister of Railways and Transport (Shri Alagesan): A Statement is placed on the Table of the Lok Sabha. [*See* Appendix VIII, annexure No. 16].

Shri Hem Raj: From the statement I find that the air-conditioned coaches are to be provided for first class accommodation also. May I know whether third class coaches also will be provided with air-condition arrangement where first and second classes have been abolished?

Shri Alagesan: The House has been told that we propose to have three trains and they may be put on the lines somewhere in the month of November or October. There may be some delay now....

Mr. Speaker: We are going away from this matter.

Shri Alagesan: They will be fully air-conditioned, and third class also will be airconditioned.

Chhatikra Station

*1371. **Shri Krishna Chandra:** Will the Minister of **Railways** be pleased to state:

(a) the steps so far taken by Government to accede to the repeated requests made by the people of Vrindaban to rename Chhatikra Station on Central Railway as Vrindaban Road and to make it adequately serve the needs of numerous persons who want to visit the famous pilgrim town of Vrindaban; and

(b) the details of the scheme if any, approved by Government in this connection?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). A statement is laid on the Table of the Lok Sabha. [*See* Appendix VIII Annexure No. 17].

Shri Shree Narayan Das: May I know whether arrangements have been made to issue tickets from this station? If no arrangements have been made, what time will it take to issue tickets from there?

Shri Alagesan: Only the name was changed from Chhatikra station to Vrindaban Road.

Shri Shree Narayan Das: I would like to know whether any of the important trains stop at this station so that passengers may get in and get out and also whether any arrangements have been made to issue tickets from that place.

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): Some trains are stopping there. About the issue of tickets, the matter was referred to me by the hon. Member who comes from that area and I have told him that I shall look into the matter.

Tezpur-Rangia Line

*1372. **Shri K. P. Tripathi:** Will the Minister of **Railways** be pleased to state:

(a) whether the ballasting of Tezpur-Rangia line has been stopped; and

(b) if so, why?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

Shri K. P. Tripathi: How long will this process of ballasting take?

Shri Alagesan: It may take two to three years.

Supaul to Chandpipar Railway Line

*1374. **Shri L. N. Mishra:** Will the Minister of **Railways** be pleased to state:

(a) whether there is any proposal to extend the railway line from Supaul to Chandpipar (N.E. Rly.) in Bihar; and

(b) if so, the time by which it is expected to be taken up?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

Shri L. N. Mishra: May I know when this line was dislocated and for what reason?

Shri Alagesan: This is, in fact, an area devasted by Kosi floods. Various works are being undertaken on the Kosi. After the area gets stabilised and is completely free from the danger of being flooded, this question will be taken up.

Shri L. N. Mishra: May I know whether it is a fact that the State Government and zonal committee for this region had recommended the construction of this line and whether it is pending before the Government for a long time?

Shri Alagesan: The Bihar Government also has recommended this line But, I may inform the hon. Member, though it is not a good piece of information, that there is not much likelihood of this line being taken up.

Shipping

*1375. **Shri Matthen :** Will the Minister of **Transport** be pleased to state :

(a) the additional cargo that would have to be carried in the overseas trade of India, both imports and exports, consequent on (*i*) the rapid industrialisation of the country, (*ii*) bi-lateral agreements made between India and other countries and (*iii*) import of large quantities of steel, cement, rice, wheat and export of ores ; and

(b) how much of these will be carried by Indian ships during the Second Five Year Plan period ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) No precise information is available at present. It is, however, roughly estimated that the total imports of steel, cement, machinery, foodgrains, etc., will not exceed about 4 million tons per year during the next two or three years.

(b) All the available Indian ships are expected to find full employment. At present, Indian ships are carrying about 5% of the total overseas trade and by the end of the Second Five Year Plan they are expected to carry about 12 to 15% of this trade.

Shri Matthen : What will be the approximate freight, in rupees, that we may have to pay to foreign shipping companies?

Shri Alagesan : The hon. Member evidently wants to know what we may have to pay to foreign shipping companies outside over and above what we will be able to carry through our own ships. It will be very difficult for me to say.

Shri Matthen : In view of the fact that our Vizag shipyard will be able to build only about 75,000 tons during the next five years, will the hon. Minister see that the ships that have to be acquired from outside are acquired as early as possible so that we may get the advantage of this goods traffic.

Shri Alagesan : We have placed orders on foreign ship-builders. But, even there, there is no prospect of getting these new vessels before a few years pass. The possibility of acquiring second-hand vessels also is being examined.

Shri Kasliwal : May I know whether the Government is considering any proposal to reserve any particular kind of cargo to be carried by Indian ships only?

Shri Alagesan : The Indian ships are used as much as possible but at present, they are not suffering from dearth of cargo. In fact, there is less shipping space available. There is more cargo to be shipped to this country.

Shri B. S. Murthy : May I know whether Yugoslavia has offered to build ships earlier than the other countries and if so, whether the Government has taken any advantage of that offer?,

Shri Alagesan : We have placed an order on the Yugoslav yard too. But the impression that the hon. Member carries that they are able to build the ships much earlier is not correct.

Shri Matthen : In view of the reply that it is difficult to get new ships built in foreign yards or even second-hand ships, will the hon. Minister expedite the starting of the second yard as soon as possible ?

The Minister of Production (Shri K. C. Reddy) : Every effort will be made to expedite the matter.

Shrimati Tarkeshwari Sinha : The quick carriage of cargo depends upon the facilities at the ports. And at present there is a lot of congestion in the existing ports. Does the Government propose to increase the number of ports in the Second Plan and is the Government negotiating with some foreign countries in this connection ?

Shri Alagesan : Does the hon. Member refer to increasing the port capacity ?

Shrimati Tarkeshwari Sinha : Increasing the capacity and number of the ports.

Shri Alagesan : We have several works with regard to each major port which have been sanctioned. Minor ports are also being attended to. When all these works are completed and when additional equipment is also acquired, the capacity of the ports will considerably increase ; it will be equal to the task of handling the cargo that will be arriving.

Mr. Speaker : Next question.

Shrimati Tarkeshwari Sinha : My second question has not been answered—the second part about negotiations with other countries.

Mr. Speaker: This relates to shipping. It need not be answered.

Shrimati Tarkeshwari Sinha : Shipping depends upon ports.

Mr. Speaker : Many things depend upon that.

ऊन टेकनालाजी और भेड़ पालने का प्रशिक्षण

*१३७६. श्री बलवन्त सिंह मेहता : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारत में ऊन टेकनालाजी और भेड़ पालने का उच्च प्रशिक्षण देने वाला कोई कालेज नहीं है;

(ख) यदि हां, तो क्या सरकार ऐसा प्रशिक्षण देने के लिए कोई संस्था खोलने वाली है ; और

(ग) यदि हां, तो वह संस्था कहां खोली जायेगी और कब तक खुल जायेगी ?

कृषि मंत्री (डा० पं० शा० देशमुख) : (क) जी, हां ।

(ख) जी, नहीं ।

(ग) प्रश्न नहीं होता ।

श्री बलवन्त सिंह महता : क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि आजादी के बाद से इस कार्य में अब तक कितनी उन्नति हुई है और उसके फलस्वरूप हम कब तक आशा कर सकते हैं कि बाहर विदेशों से आने वाला माल रुक जायेगा ?

डा० पं० शा० देशमुख : यह सवाल तो जरा अलग है उस सवाल से जो कि माननीय सदस्य ने पूछा है । उनका सवाल तो खाली ट्रेनिंग के बारे में था, प्रशिक्षण के बारे में था मगर मैं यह कह सकता हूं कि इसमें कुछ कामयाबी हुई है और प्रोग्रेस भी हुई है ।

श्री बलवन्त सिंह महता : ऊन के उत्पादन के विचार से हमारे भारतवर्ष का संसार में क्या स्थान है और हमारी जो यह शीप ब्रीडिंग और वूल टेकनोलाजी है उसके परिणामस्वरुप हमारा ऊन का व्यापार घट रहा है या बढ़ रहा है ?

Dr. P. S. Deshmukh: I may again point out that this question is quite different from the information which my hon. friend is seeking now. This refers only to training and the existence or non-existence of a certain college I have not got the information which my friend wants.

श्री भक्त दर्शन : अभी मंत्री जी ने बतलाया कि इस सम्बन्ध में कोई कालेज स्थापित नहीं किया जा रहा है तो क्या गवर्नमेंट इसकी आवश्यकता अनुभव नहीं करती या इस समय इसके लिए और कोई व्यवस्था मौजूद है ?

डा० पं० शा० देशमुख : जी हां, इसके लिए काफी व्यवस्था है। हम ने हिसार के फार्म में तीन साल का कोर्स प्रोवाइड किया है जहां कि १६ कैंडिडेट्स हमने ट्रेंड किये हैं और आगे चल कर ५० सीनियर और ४०० जूनियर आफिसर्स ट्रेंड करने का इंतजाम वैटेरेनरी कालिजेज में और ब्रीडिंग फार्म्स में किया जाने वाला है ।

Industrial Training Centre, Nagercoil

*1377. **Shri N. R. Muniswamy**: Will the Minister of **Labour** be pleased to state :

(a) whether the Government of Travancore-Cochin proposed to transfer the Industrial Training Centre, Nagercoil to any part of Kerala ;

(b) if not, whether it is to be placed under the Director of Industries of Travancore-Cochin State ; and

(c) whether there is any proposal under the Second Five Year Plan to set up an Industrial Estate as an adjunct to this Training Centre?

The Deputy Minister of Labour (Shri Abid Ali) : (a) No.

(b) The Travancore-Cochin Government took over the administration of all the Training Centres in the State from 1-8-56 and placed them under the control of the Director of Industries from that date.

(c) No.

Shri N. R. Muniswamy: Is it a fact that the Joint Adviser to the Government of Travancore-Cochin has recently made an announcement that a short-term training course ranging from six to nine months will be opened for candidates of matriculation standard and that they will be absorbed in the industrial estates after the training ? If so, will the area that is likely to be merged with Madras get due representation in the scheme?

Shri Abid Ali: I did not follow the question.

Mr. Speaker: It is so long that I was also not able to follow.

Shri N. R. Muniswamy: The Joint Adviser to the Government of Travancore-Cochin has announced that a short-term scheme will be opened for training students in various trades. If that is so, may I know whether this scheme will give due representation to the candidates coming from the Nagercoil Centre?

Shri Abid Ali: I should like to say that we want to add more trades to the centres. There are three centres in Travancore-Cochin at present and the capacity is about 376. 534 more seats and

some more trades will be added. The expenditure during the Plan period will be about Rs. 35 lakhs. This is all the information that I can give.

Mr. Speaker: The House will now take up the next item of business.

Shri Feroze Gandhi: Sir, before you take up the next business, I would like to bring to your notice something which concerns most of us. Shrimati Ammu Swaminadhan put a supplementary question to the Railway Minister with regard to catering on the Grand Trunk Express. In answer to that the Deputy Minister of Railways said that she was getting more and more delicate on account of the age which she has reached and that is why she finds the food bad. Now, I would like to bring to your notice that the Deputy Minister for Railways has been twitting quite a lot in this House, answers to questions are not given and all sorts of ridiculous replies are given to the House. The Deputy Minister pokes fun at Members who put questions. I think this is a very disgraceful thing that is being done and I seek your protection in this matter. The Members who ask questions should be answered in a respectful way. The Ministers should treat us in the same manner we treat the Ministers.

Mr. Speaker: While appreciating the remarks, I may say, the hon. Member, if he takes exception to the statement and the manner in which the hon Minister replies, ought not to repeat and commit the mistake of calling it disgraceful. That is not right.

Shri Feroze Gandhi: This is not the first time, Sir.

Mr. Speaker: Let it not be the first time. 'Disgraceful' multiplied a hundred times is 'disgraceful'. That expression need not be used.

So far as the general remarks or observations are concerned—that the Deputy Minister has been insulting or cutting jokes etc.,—hon. Members have been here. I have not been able to notice it. It is unfortunate that today he should have made a personal reference to the age of an hon. lady Member. I was pained, but I myself did not want to take the initiative I am really sorry. I am sure the hon. Deputy Minister did not mean anything. They come from the same place. Each has regard for the other and I think it is only a slip.

An Hon. Member: He should apologise.

The Deputy Minister of Railway and Transport (Shri Alagesan): Sir, I am sorry for this, shall I say, misunderstanding. But I should like to take this opportunity to express my regret for the answer that I gave. After I thought about it I felt that it was not quite a proper reply to have been given to an hon. lady Member of this House and who is also a valued friend and colleague of mine.

Shri S. S. More: Why not to any other Member? Why this special consideration?

Shri Alagesan: There was nothing in my mind. I did not intend to wound any body. But the hon. Member, Shri Feroze Gandhi, went on further to say that I have been not quite respectful in my replies.

Shri Feroze Gandhi: I only said that the Ministers should be as respectful a we are to them.

Shri Alagesan: As you yourself, Sir, have remarked, and as other hon. Members also might have had occasion to notice, I have never been anything but respectful to the House as a whole and to each and every individual Member in this House.

Shri Matthen: I am not sure.

Shri Alagesan: If there has been any misunderstanding about it, I should once again like to repeat that I shall persist in that behaviour of respecting the House as a whole and also the Members individually.

Shri Sarangadhar Das: Sir, may I make a submission? The words used in this connection about the hon. lady Member are not proper. They convey a different meaning and I submit that they should be expunged.

Mr. Speaker: It is as good as expunged. I did not feel any great offence, but it is wrong to refer, particularly to a lady Member about her age. So far as this chapter is concerned, I shall consider it as closed. But I should like to make a general observation. I do not know how the impression is gaining ground, particularly in the mind of Shri Feroze Gandhi, who intervenes only occasionally and then speaks very well, that the hon. Deputy Minister has been indulging in jokes, fun and so on. Personally, I am also interested in seeing that this House is not too serious and not too funny. In between there must be a certain amount of good humour and we must carry on. Hon. Members should have noticed that I have been trying to relieve the hon. Railway, Minister particularly the Deputy Minister. Almost all the questions that come up are on the subject of Railways and relating to the Railways. I have been trying to find out as to how far it is possible to split them, but I have not been able to get at a solution.

Our Deputy Minister has been doing pretty well. I have never hesitated to remark about the conduct of any hon. Minister even on the point of being sometimes misunderstood. As far as I have

been able to see, I have not had occasion many times to pull up this hon. Deputy Minister, much less any occasion to remark about the manner in which he was speaking. He has been taking pains to study the subject wholly and give information, which would not even necessitate supplementary questions on it.

Shri S. S. More : As far as studying the affairs of his department is concerned, it is his duty primarily.

Mr. Speaker : The misfortune is that many people do not do their duty. In this case I do not think anything ill was meant.

Shrimati Ammu Swaminadhan: Sir, may I give a personal explanation with regard to what Shri Feroze Gandhi said about the reference to my age? I did not consider that at all as objectionable, because my age is published in the *Who's Who*. So, I would respectfully submit that the answer that was given by the Deputy Minister was not quite in keeping with the dignity of this House, because he said that I had exaggerated about the quality of food. I can assure him that my taste is the same as it was when I was of much younger age and I do have, I think, as far as food is concerned, rather a good taste. When I was coming from Madras in the Grand Trunk Express on or about the 21st of July this year, we had food brought from the dining car twice and both the times we had to send it back untouched because it was very very bad. I am sorry if he takes it to be an exaggeration. It is no exaggeration.

Mr. Speaker: I am sorry the answer has been given in a particular manner which was never intended. Anyhow, inasmuch as there seems to be serious objection to the manner in which the answer was given, so far as this particular portion is concerned it will stand out of the record. I will expunge them. No further discussion need take place on this. I am sure nothing has been intended by the hon. Deputy Minister.

Shri Kamath: Which portion, Sir, of this discussion?

Mr. Speaker: That portion relating to age and exaggeration. I shall look into it again and if it is not possible to expunge it, it will stand.

Shri Kamath: As far as I know the English language, the word 'delicate' also has got a different connotation in this context. That should be taken into consideration as well.

Mr. Speaker: The hon. Member has his own axe to grind. We will now take up the next item of business.

WRITTEN ANSWERS TO QUESTIONS

Technical Committee

*1349. **Shri Ram Krishan:** Will the Minister of **Labour** be pleased to refer to the reply given to Unstarred Question No. 748 on 6th April, 1956 and state:

(a) whether Government have taken final decision on the report of the Technical Committee; and

(b) if so, the nature of the decision taken?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The recommendations of the Technical Committee involved amendment of the Workmen's Compensation Act, 1923, and these are accordingly being considered along with the various other proposals for the amendment of the Act.

Use of Atomic Energy in Agriculture

*1353. **Sardar Iqbal Singh:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that India has made considerable progress in the research on the use of atomic energy in agriculture;

(b) the main results achieved so far in this matter; and

(c) whether any steps have been taken to apply these results to agricultural problems?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (c). A statement is placed on the Table of the Lok Sabha. [*See* Appendix VIII, annexure No. 18].

Postal Employees

*1354. **Shri A. K. Gopalan:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that a number of posts of postmen and class IV employees are being replaced by Extra-Departmental Agents;

(b) if so, the number of such posts replaced by Extra-Departmental Agents from 1951 to 1956 and separately for Madras Circle; and

(c) the total number of cases where these replacements have been necessitated by opening of new Post Offices?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Yes.

(b) 975 Postmen and 492 Class IV employees were replaced by Extra-Depart-

mental Staff from 1951 to 1956. These figures include 279 Postmen and 81 Class IV staff respectively of Madras Circle.

(c) The replacement of 496 Postmen and 93 Class IV was necessitated directly by the opening of new post offices.

Air-field Control Radar at Dum-Dum

*1356. **Shri Raghunath Singh:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that in Dum-Dum (Calcutta) Air-field control Radar is now being installed; and

(b) if so, when other air-fields will be fitted with the Radar?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Yes, Sir. The installation work has been completed.

(b) It is proposed to provide similar aids at Santacruz, Nagpur and Madras aerodromes during the Second Five Year Plan. It is, however, not possible to indicate at this stage when these facilities would actually be installed there.

Production of Sugar

*1358. **Shri Tulsidas :** Will the Minister of **Food and Agriculture** be pleased to state:

(a) what will be the capacity of the sugar industry if the licences for new undertakings and substantial expansion materialise;

(b) what will be the gap between the capacity and the target of 22.5 lakh tons laid in the Second Five Year Plan; and

(c) whether Government propose to restrict licensing of new units, if the gap is not substantial?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) 24 lakh tons.

(b) To achieve the target of 22·5 lakh tons, it is considered necessary to have an installed capacity of 25 lakh tons so as to compensate for any short-fall in production in lean years. Further capacity to be licensed is, therefore, one lakh tons.

(c) No, Sir.

Sugarcane

*1359. **Shri Bishwa Nath Roy :** Will the Minister of **Food and Agriculture** be pleased to state whether there is any improvement in the percentage of sugar from sugarcane in U.P. and Bihar in view of better variety of sugar cane for sowing and better cultivation during the last two years?

The Minister of Food and Agriculture (Shri A. P. Jain): A statement giving the required information is laid on the Table of the Lok Sabha. [*See* Appendix VIII, annexure No. 19].

Labour Relations Committee

*1362. **Shri S. K. Razmi :** Will the Minister of **Communications** be pleased to state:

(a) whether any steps have been taken so far for the setting up of a Labour Relations Committee envisaged by the Air Corporations Act;

(b) if so, the details thereof; and

(c) if not, the reasons thereof?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) The Labour Relations Committee constituted by the Indian Airlines Corporation, consists of ten representatives elected by the various categories of employees from amongst them and ten representatives of the Corporation from different departments to represent the management, while the Committee constituted by the Air India International Corporation consists of six elected representatives of employees and an equal number of representatives of the Corporation.

(c) Does not arise.

बीकानेर रेलवे वर्कशाप

*१३६३. **श्री प० ला० बारूपाल :** क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि स्थानीय बिजली घर से पर्याप्त मात्रा में बिजली न मिलने के कारण उत्तर रेलवे के बीकानेर वर्कशाप में कई मशीनें ठप पड़ी हैं जिसके कारण रेलवे विभाग को काफी हानि उठानी पड़ रही है ;

(ख) उक्त बात को ध्यान में रखते हुये क्या रेलवे ने वहां पर अपना निजी बिजली घर बनाने की कोई योजना बनाई है और यदि हां, तो वह कब तक अमल में लाई जायेगी ; और

(ग) बीकानेर रेलवे वर्कशाप के विकास के लिए सरकार ने कैसी कैसी योजनायें बनाई हैं और उनमें कितने नये कर्मचारियों को भरती की जायेगी ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जी, हां । कुछ मशीनें हैं जो बिजली की कमी के कारण काम में नहीं लायी जा सकतीं ।

(ख) जी, नहीं । आशा है कि १९५८ के मध्य तक काफी बिजली मिलने लगेगी । तब तक के लिए रेलवे ने तेल से चलने वाले दो इंजनों के आर्डर दिये हैं । आशा है कि ये इंजन इस साल के अन्त तक मिल जायेंगे ।

(ग) एक बयान सभा-पटल पर रख दिया गया है । [देखिये परिशिष्ट ८, अनुबन्ध सं० २० ।

Rice

*1366. **Shri Dasaratha Deb:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that about 132 maunds of rice which was despatched by merchants of Agartala town from Karimganj to Akhama found its way into the Government Central Gowdowns of Agartala; and

(b) if so, how ?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) Yes, Sir.

(b) The case is under investigation by a Magistrate.

U. S. Professor's Report on Indian Railways

*1367. **Shri Sanganna** : Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 2111 on the 10th May, 1956 and state:

(a) whether any decision regarding the report of John Kenneth Galbraith, Professor of Economics, Harvard University on Railways Second Five Year Plan has been arrived at; and

(b) if so, what ;

The Deputy Minister of Railway and Transport (Shri Alagesan): (a and (b). The suggestions made by th Professor in his report are still under examination.

Regional Advisory Committee for Employment Exchanges

*1373. **Shri Bheekha Bhai:** Will the Minister of **Labour** be pleased to state:

(a) whether the Regional Employment Advisory Committee for advising the Employment Exchanges have been re-constituted; and

(b) if so, whether Government have decided to give representation to Scheduled Tribes and Scheduled Castes on them ?

The Deputy Minister of Labour (Shri Abid Ali): (a) Regional Employment Advisory Committees for Assam, Bihar and Orissa have been re-constituted. Committees for other regions are being reconstituted.

(b) These Committees are composed of representatives of employers, workers and Government, and no special representation is given to any particular community.

Training for Navigators

*1378. **Shri T. B. Vittal Rao :**
Sardar Iqbal Singh:
Sardar Akarpuri:

Will the Minister of **Communications** be pleased to refer to the reply given to Starred Question No. 767 on the 19th March, 1956 and state:

(a) whether the proposal for training for Navigators' Class I certificates at Civil Aviation Training Centre has been finalised; and

(b) if so, the nature of the decision taken ?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) and (b). Proposals for starting a first-class Navigator's Course at the Civil Aviation Training Centre, Allahabad are being formulated by the Director General of Civil Aviation who expects to submit these to Government shortly.

Minor Ports

*1379. **Shri Dabhi:** Will the Minister of **Transport** be pleased to refer to the reply given to a supplementary question raised on Starred Question No. 156 on 22nd February, 1956 and state:

(a) whether the Officer on Special Duty appointed to go round the minor ports of Bombay has now submitted proposals; and

(b) if so, the nature of his proposals ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The proposals relate to the improvement of 29 minor ports including Okha. The works recommended cover improvement of landing facilities, provision of amenities for passengers and navigational aids at several ports, and modernisation of cranes, lighterage and other facilities at Okha. The estimated cost is Rs. 78 lakhs during the Second Plan

Rolling Stock

*1380. **Shri Ram Krishan:** Will the Minister of **Railways** be pleased to state:

(a) whether Government have finalised the programme for self-sufficiency in their requirements of Rolling Stock by the end of the Second Five Year Plan ; and

(b) if so, the main features thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). A statement is placed on the Table of the House. [*See* Appendix VIII, Annexure No. 21].

Sonepore Bridge

*1381. **Shri Shree Narayan Das:**
Shri Bibhuti Mishra:

Will the Minister of **Railways** be pleased to state whether it is a fact that Central Government are contemplating conversion of the present Sonepore railway bridge into road bridge after completion of the new Sonepore railway bridge?

The Deputy Minister of Railways and Transport (Shri Alagesan): The Government of Bihar have under consideration a proposal for taking over the present Railway Bridge for use as a road bridge after completion of the new Railway Bridge between Sonepore-Hajipur.

Wharfage Rates

*1382. **Shri Shree Narayan Das:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that recently the rates of wharfage have been enhanced at some of the stations of North-Eastern Railway falling in North Bihar specially at Darbhanga and Laheria Sarai stations and the free time limit has been reduced from forty-eight hours to twenty-four hours for taking delivery of goods there;

(b) if so, the circumstances in which this has been done;

(c) whether any representation showing unnecessary inconvenience caused to the public has been received by the Railway authorities; and

(d) if so, the] nature of action taken on it?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) To eliminate the congestion at the goods sheds, parcels and luggage offices, resulting from slow removal of goods by merchants.

(c) Yes.

(d) The representation has been replied to by North-Eastern Railway, explaining the reasons for the changes.

Hill Allowance

*1383. **Shri A. K. Gopalan:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that hill allowance is denied to guards and other railway employees working in Nilgiris;

(b) if so, the reasons therefor; and

(c) whether it is also a fact that those few employees who have been getting hill allowance are being transferred to other places and the new employees posted there are not sanctioned the allowance?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Hill allowance is not paid to guards and other staff posted to the Nilgiri Mountain Railway section from 1-3-50 as House Rent and Compensatory allowances are payable from that date.

(c) No; transfer of employees is ordered in the exigencies of the service. The staff are paid the allowances as due at present.

Farmers' Bank

*1384. **Shri Jhulan Sinha:** Will the Minister of **Food and Agriculture** be pleased to state the position with regard to the proposal to set up a Farmers' bank in the country?

The Minister of Food and Agriculture (Shri A. P. Jain): The proposal has been dropped.

International Civil Aviation Organisation

*1385. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Communications** be pleased to state the main problems discussed at the recent session of International Civil Aviation Organisation held at Caracas, Venezuela?

The Minister in the Ministry of Communications (Shri Raj Bahadur): I lay on the Table of the Lok Sabha a Statement giving the requisite information [*See* Appendix VIII, Annexure No. 22]

Shipping facilities to Pakistan

*1386. **Sari Gidwen**
Shri M. Islamuddin:
Dr. Ram Subhag Singh
Shri Bishwa Nath Roy:

Will the Minister of **Transport** be

(a) whether the Government of India had offered to afford Port and Shipping

facilities to Pakistan Government to help tie over the current food crisis in East Pakistan; and

(b) whether the Pakistan Government had asked for such facilities?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The intention has been that in case the Government of Pakistan needed assistance in the matter of arranging relief of distress in East Pakistan, the Government of India would try and provide certain facilities for a limited period at the Calcutta port for handling their food imports.

(b) No, Sir.

भोजन-व्यवस्था

*१३८७. **श्री म० ना० सिंह** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को यह पता है कि भोजन-व्यवस्था करने वाले कुछ व्यक्ति, जिनके होटल स्टेशनों के नजदीक होते हैं, अपनी कैन्टीनों को इसलिये बुरी हालत में रखते हैं कि यात्री बाहर स्थित उनके होटलों की ओर आकर्षित हों ; और

(ख) यदि हां, तो क्या सरकार भोजन-व्यवस्था करने वाले ऐसे व्यक्तियों के विरुद्ध कोई कार्यवाही करना चाहती है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) इस तरह के कोई मामले नोटिस में नहीं आये हैं ।

(ख) सवाल नहीं उठता ।

Indian Airlines Corporation

*1388. **Shri S. K. Razmi:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that the Delhi base of the Indian Airlines Corporation is equipped and fitted to keep in good flying condition only five Vikings;

(b) whether now it is proposed to overhaul twelve Vikings with the same equipment at the Delhi base;

(c) whether a number of these planes are grounded for lack of parts and paucity of technical staff; and

(d) if so, the remedy proposed?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) No.

(b) The overhaul of all Vikings is already being done at the Delhi base which has adequate staff and workshop equipment for the purpose.

(c) Only one Viking aircraft is grounded for want of major spares which are on order.

(d) Does not arise.

रेलवे का फाटक

*१३८९. **श्री प० ला० बाल्धीश** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बीकानेर स्टेशन और लालगढ़ जंकशन के बीच रेलवे लाइन के पास एक दीवार बनाई जा रही है ;

(ख) क्या यह भी सच है कि उक्त दीवार के दोनों तरफ हजारों लोग रहते हैं और मुख्य रास्ते पर भी कोई क्रासिंग या फाटक नहीं है ।

(ग) क्या यह भी सच है कि मुसलमानों के ताजिया ले जाने का एक मुख्य रास्ता सरकार द्वारा निश्चित कर दिया गया है और दीवार बन जाने के कारण उस रास्ते को बदलना पड़ेगा जिसके परिणामस्वरूप सांप्रदायिक दंगे होने की संभावना है ; और

(घ) क्या सरकार ताजिया ले जाने के लिए उपरोक्त दीवार में कोई फाटक बनवाना चाहती है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जी, हां ।

(ख) जी, नहीं । वहां चार सम-पार (level crossings) हैं जो उस क्षेत्र के लिए काफी हैं ।

(ग) तथा (घ), जी, नहीं । चार-दीवारी बन जाने के कारण ताजियों के जलूस का रास्ता नहीं बदलना पड़ेगा, क्योंकि रेलवे लाइन पार करने के लिए किसी एक सम-पार (level crossings) से होकर जाना जरूरी है ।

Rice Godowns in Orissa

*1390. **Shri Sanganna:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 656 on the 8th December, 1955 in respect of the Central Rice Godowns in Orissa and state the latest position of the construction work of the godowns?

The Minister of Food and Agriculture (Shri A. P. Jain): The latest position in regard to construction of Central godowns in Orissa is as follows:—

Expenditure sanction for construction of godowns at Khurda Road and Khariar Road has been issued and the work of construction is expected to be undertaken by the C.P.W.D. shortly.

Layout plans for construction of godowns at Koraput, Chandbali and Berhampore with a capacity of 20,000 tons at each centre have been approved. Estimates for expenditure for construction at these three places are expected to be ready soon.

At Balasore, the suitability of a 22 acre site is under examination for construction of godowns of 40,000 tons capacity.

Water Supply Scheme, Gauhati

*1391. **Shri Debendra Nath Sarma:** Will the Minister of **Health** be pleased to state whether the Government of Assam has requested the Central Government for any grant or loan for improving Water-Supply system of Gauhati and other towns of Assam?

The Minister of Health (Rajkumari Amrit Kaur): No request for any urban schemes was received from the Assam Government during the First Plan Period. The State Government have, however, proposed to undertake 3 schemes during the current year.

Chiluvur Railway Station

*1392. **Shri Ramachandra Reddi:** Will the Minister of **Railways** be pleased to state:

(a) whether there was any representation from the public or recommendation by the Regional Railway Users' Consultative Committee that a halt of Janata Express at Chiluvur Railway Station (Southern Railway) be provided in the schedule of timings; and

(b) if so, what action was taken thereon?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The matter has been examined but there is no traffic justification.

State Farm

*1393. **Shri Balwant Sinha Mehta:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of Russians who will work at the State Farm at Suratnagar in in Rajasthan and for how long;

(b) the number of Indians who have so far been recruited for operational purposes; and

(c) the number which is likely to be absorbed when it will be in full swing?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) At present three Russian experts are at Suratgarh training our personnel. The period of there stay will depend on how soon our men get trained.

(b) 80 persons have been recruited so far.

(c) About 600 persons in various grades.

Opening of Post Office in Township

*1394. **Shri A. K. Gopalan:** Will the Minister of **Communications** be pleased to state:

(a) whether the Government of India have received representations from the residents of Kalyan Camp in Bombay for sanctioning a Post Office in Township No. 2; and

(b) the reason for the delay in sanctioning a Post Office for the township when the population is over 20,000?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) Yes.

(b) A post office could not be opened for want of suitable accommodation which is being searched for though the orders for opening one have already been issued.

Indian Central Cotton Committee

*1395. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Indian Central Cotton Committee held its meeting in February, 1956; and

(b) is so, the decisions arrived at for the development of cotton production in the country?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes.

(b) The Committee agreed to the target of 55 lakh bales as envisaged in the Second Five Year plan.

Sindhu Resettlement Corporation

*1396. **Shri Gidwani:** Will the Minister of **Transport** be pleased to state:

(a) the area given to the Sindhu Resettlement Corporation for the purpose of development and allotment to their shareholders in Gandhidham township;

(b) whether the scheme submitted by the Sindhu Resettlement Corporation for the development of the area and allotment of plots to the shareholders has been approved by Government; and

(c) if not, the reasons for the delay?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 2600 acres.

(b) and (c). Layout Plans have been submitted by the Corporation for the development of an area of 554 acres. These are under consideration by Government.

Cholera in Bihar

*1397. **Shri Shree Narayan Das:** Will the Minister of **Health** be pleased to state:

(a) whether any aid has been sought by the Bihar Government from the Centre for checking Cholera there; and

(b) if so, the nature of help sought and the assistance given so far?

The Minister of Health (Rajkumari Amrit Kaur): (a) No.

(b) Does not arise.

Horticultural Research Station

885. **Shri Ram Krishan:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the scheme for the establishment of Horticultural Research Stations on a regional basis for the improvement of fruit crops has been finalised;

(b) if so, the main features of the scheme; and

(c) the name of the places where these stations are to be located?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No.

(b) and (c). Do not arise.

Board of Agricultural and Animal Husbandry

886. **Shri Ram Krishan:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Government have received the report of the 11th meeting of the crops and soils wing of the Board of Agricultural and Animal Husbandry of the Indian Agricultural Research Institute; and

(b) if so, the main recommendations contained therein?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) The report is still awaited.

(b) Does not arise.

New Observatories

887. **Shri Ram Krishan:** Will the Minister of **Communications** be pleased to state:

(a) whether the scheme for setting up two new observatories during Second Five Year Plan has been finalised: and

(b) if so, the name of the sites chosen and other features of the schemes?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) and (b). A statement giving the required information is laid on the Table of the Lok Sabha. [*See* Appendix VIII, Annexure No. 23].

Railway Printing Press, Calcutta

888. { **Shri Ramananda Das:** / **Shri Balmiki:**

Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the printing Superintendent of Eastern Railway at Calcutta ordered recruitment of about 200 Khalasis in the printing department in June-July, 1956;

(b) whether it is also a fact that no attempt was made to fulfil the quota fixed for the Scheduled Castes through the Government approved and recognised Scheduled Castes Organisations or employment exchange;

(c) the number of Seheduled Castes selected for appointment;

(d) whether the quota fixed for Scheduled Castes is being maintained there; and

(e) if not, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) and (c). Do not arise.

(d) Yes.

(e) Does not arise.

Claims

889. **Shri Karni Singhji:** Will the Minister of **Railways** be pleased to state:

(a) the number of claims registered and settled during the years 1952-53, 1953-54 and 1954-55 on the Northern Railway with particular reference to Bikaner claims office;

(b) the total amount of claims made and paid during these years; and

(c) the reasons for undue delay in the settlement of the claims?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (c). A statement giving the requisite information is laid on the Table of the House [*See* Appendix VIII, Annexure No. 24].

Floods in Travancore-Cochin

891. Shri V. P. Nayar: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the estimated area in which the recent floods in Travancore-Cochin have destroyed standing crops; and

(b) the estimated loss thereof?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) 3211 acres.

(b) Estimated loss:—

(i) In terms of grain 45,00 mds. (approximately);

(ii) In terms of value Rs. 4.6 lakhs (approximately).

खड़गपुर की हड़ताल

८९२. **पंडित द्वा० ना० तिवारी :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) दक्षिण-पूर्व रेलवे की खड़गपुर वर्कशाप में हुई हड़ताल के फलस्वरूप रेलवे को कुल कितनी हानि हुई है ;

(ख) मजदूरों तथा जनसाधारण के कितने व्यक्तियों को सख्त चोटें लगीं थीं ; और

(ग) क्या कर्मचारियों को हड़ताल की अवधि का वेतन दे दिया गया है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) हड़ताल के कारण कारखाने को जो नुकसान पहुंचा उसे रुपये पैसों में आंक कर बताना बहुत मुश्किल है । लगभग १,१/२ लाख जन-दिन (man-days) का नुकसान हुआ जिसकी वजह से कारखाने के उत्पादन को भारी धक्का लगा । इसके अलावा लगभग १६,१०० रुपये की रेल-सम्पत्ति का नुकसान हुआ ।

(ख) २१ कर्मचारियों और ५ बाहरी लोगों को सख्त चोटें आयीं ।

(ग) जी नहीं ।

Research-cum-Testing Centres for Bullocks

893. Shri Ram Krishan : Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the scheme for the establishment of 16 centres for agronomic experiments and four research-*cum*-testing centres for bullocks during the Second Five Year Plan has been finalised; and

(b) if so, the main features of the scheme?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) The scheme for Agronomic Experts has been finalised but the scheme for Research-*cum*-Testing Centres for bullock-driven implements is still under consideration.

(b) The scheme for agronomic experiments envisages comprehensive study of various agronomic practices of important crops like Wheat, Paddy, Jowar, Maize and Cotton including irrigation requirements at different levels of manuring and in different soil types. The scheme at each centre is being conducted on a 15 acre plot which has been taken on lease and the work is being carried out under the supervision of the staff appointed for the purpose by the respective State Governments. The Scheme is being wholly financed by the Indian Council of Agricultural Research.

Does not arise in the case of scheme for Research-*cum*-Testing Centres for bullock-driven implements.

Employment Exchange, Bihar

894. Shri Jhulan Sinha: Will the Minister of **Labour** be pleased to state the total number of persons who secured employment through the Employment Exchanges in Bihar during the year 1955?

The Deputy Minister of Labour (Shri Abid Ali): 12,229.

Northern Railway Staff

895. Shri D. C. Sharma : Will the Minister of **Railways** be pleased to state:

(a) whether the staff has been increased proportionately to the increase in traffic on the Northern Railway; and

(b) if so, by what per cent?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes. The increase in staff which depends

on numerous other factors is not strictly in proportion to the increase in traffic.

(b) 7·5%.

Chupra Station

896. Pandit D. N. Tiwary: Will the Minister of **Railways** be pleased to state:

(a) whether there is any proposal to enlarge the Chupra (N.E. Rly.) platform and remodel the Chupra Station;

(b) whether there is any proposal to open new stations between Chupra and Savan (N.E. Rly.) stations; and

(c) if so, when the work on the above-mentioned will begin?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) There is no proposal to enlarge any passenger platform at Chupra station or for remodelling the station building. It is, however, proposed to remodel the yard and to improve the operating and commercial facilities at this station, which include extension to the goods shed and goods platform.

(b) None at present.

(c) The remodelling of Chupra Yard has been planned to be under-taken in 1957-58.

Women Employees, P. & T. Department

897. Shri D. C. Sharma : Will the Minister of **Communications** be pleased to state the total number of women employees in Posts and Telegraphs Department in March, 1956?

The Minister in the Ministry of Communications (Shri Raj Bahadur): 4,980.

Amritsar Railway Station

898. Shri D. C. Sharma : Will the Minister of **Railways** be pleased to state:

(a) the total allocation for development of Amritsar Railway Station, the yard and workshop during the Second Five Year Plan period; and

(b) the details of the various phases of the programme?

The Deputy Minister of Railways and Transport (Shri Alagesan):

	1956-57	1957-58	1958-59	1959-60	1960-61
(a) Railway Station	Rs. 58 thousands.				
Yard	Rs. 5,75 thousands.				
Workshop	Rs. 3,45,00 thousands.				
(b) Railway station	..	41	17	..	
Yard	49	195	..	331	..
Workshop	2,100	1,25,00	1,25,00	..	74,00 ..

NOTE:—This programme is only tentative at present.

Passenger Guides

899. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state:

(a) whether Government propose to appoint passenger guides at stations on the Saharanpur-Amritsar section of the Northern Railway;

(b) if so, at which stations; and

(c) if not, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (c). Passenger Guides are already provided at Saharanpur, Ambala Cantt., Ludhiana, Jullundur City and Amritsar on the Saharanpur-Amritsar section.

The question of provision of additional passenger guides on the Railway as a whole is under Northern Railway's consideration.

Health Minister's Welfare Fund

900. Shri Krishnacharya Joshi: Will the Minister of **Health** be pleased to state:

(a) the total amount collected for the Health Minister's Welfare Fund during 1956 as far as information is available; and

(b) the amount spent on the Welfare work during the same period?

The Minister of Health (Rajkumari Amrit Kaur): (a) Rs. 20,359-11-3 during the period from 1st January, 1956 to 31st of July, 1956.

(b) Rs. 1,24,452-6-0.

पशु धन

९०१. श्री विभूति मिश्र : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बधिया करने से बछड़ों की ताकत बहुत कम हो जाती है; और

(ख) यदि हां, तो क्या सरकार इस प्रथा को रोकने की कोई प्रभावपूर्ण योजना बना रही है?

खाद्य और कृषि मंत्री (श्री अ० प्र० जैन) : (क) जी, नहीं। ऐसा मानने का कोई कारण नहीं कि बधिया करने से बछड़ों की ताकत कम हो जाती है। लेकिन कटड़ों के विषय में ऐसा माना जाता है कि बधिया करने से वे अधिक फलते फूलते नहीं हैं।

(ख) बधिया के ठीक ठीक असर जानने के लिये भारतीय कृषि गवेषणा परिषद् (Indian Council of Agricultural Research) ने खोज करने की एक योजना बनाई है।

करेह नदी पर पुल

९०२. **श्री श्रीनारायण दास** : क्या रेलवे मंत्री २ मई, १९५६ के अतारांकित प्रश्न संख्या १६६७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) पूर्वोत्तर रेलवे की समस्तीपुर-नरकटियागंज शाखा में लहरिया सराय और हयाघाट स्टेशनों के बीच करेह नदी के पुल की जल-प्रवाह शक्ति बढ़ाने की दिशा में क्या प्रगति हुई है ;

(ख) क्या इस काम में होने वाले कुल खर्च का भार राज्य-सरकार को ही उठाना होगा ; और

(ग) यदि नहीं, तो इस सम्बन्ध में केन्द्रीय सरकार की क्या जिम्मेदारी होगी ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) पुल ऊंचा करने के काम में कोई प्रगति नहीं हुई है। उत्तर बिहार के सिंचाई विभाग के चीफ़ इंजिनियर को इसकी अनुमानित लागत बता दी गयी है। प्रदेश सरकार ने इस काम के लिये अभी तक न कोई निश्चित मांग की है और न लागत के लिए अपनी मंजूरी दी है।

(ख) जी, हां।

(ग) सवाल नहीं उठता।

Freight and Passage Earnings

903. Shri Krishnacharya Joshi: Will the Minister of **Transport** be pleased to state the freight and passage earnings of the Indian shipping companies engaged on the coastal trade for the year 1954-55?

The Deputy Minister of Railways and Transport (Shri Alagesan): The freight and passage earnings of Indian Shipping companies in the coastal and adjacent trades during 1954-55 were Rs. 9,90,40,086 and Rs. 1,16,15,527 respectively. Figures for the coastal trade alone are not available.

Chittaranjan Loco Works

904. {Sardar Iqbal Singh: / Sardar Akarpuri:

Will the Minister of **Railways** be pleased to state:

(a) whether any proposal is under consideration of Government for increasing the production capacity of the Locomotive Works at Chittaranjan under the Second Five Year Plan;

(b) if so, the details of this proposal; and

(c) when this proposal will be implemented?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The details have not been finalised so far. The nature of expansion for manufacturing steam locomotives would be dependent upon the extent of dieselisation and electrification of the Railways.

(c) When the details are finalised.

Northern Railway

905. {Sardar Iqbal Singh: / Sardar Akarpuri:

Will the Minister of **Railways** be pleased to state:

(a) the percentage of increase envisaged in goods traffic over the Metre Gauge and Broad Guage section of the Northern Railway during the Second Five Year Plan period; and

(b) the steps taken or contemplated to be taken to provide efficient transport facilities for the increased goods traffic.

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix VIII, annexure No. 25].

Rajkumari Sports Coaching Scheme

906. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Health** be pleased to state:

(a) the extent and nature of assistance given to the Punjab and Pepsu States under the Rajkumari Sports Coaching Scheme, in the year 1955-56; and

(b) the assistance proposed for 1956-57?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). A statement is laid on the Table of the Lok Sabha [*See* Appendix VIII, annexure No. 26].

Sugar Mills

907. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Unstarred Question No. 1042 on the 16th April, 1956 and state:

(a) the names of the places where the sugar mills are situated; and

(b) the total crushing capacity of each mill?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). Out of a total number of 160 sugar mills, 147 are registered under the Industries (Development and Regulation) Act, 1951. The remaining 13 sugar mills are unregistered and lying idle. Two statements giving the required information are laid on the Table of the House. [*See* Appendix VIII, annexure No. 27].

Sulphate of Ammonia

908. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) the amounts of short-term loans granted to Punjab and Pepsu State during 1955-56 for the purchase of Sulphate of Ammonia and other manures separately and subsidy, if any, to compensate for the loss on account of heavy transport charges;

(b) the total consumption of Ammonium Sulphate, Phosphatic manures and fertilizers in these States during the above period as compared to 1953-54 and 1954-55;

(c) the total quantity of Ammonium Sulphate indented for by these States for 1955-56 and the actual allocation made; and

(d) the amounts of short-term loans proposed to be granted to these States under the above heading for 1956-57?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) *Short term loans granted during* 1955-56:

	Sulphate of Ammonia	Super-phosphate
	Rs. in lakhs	Rs. in lakhs
Punjab . .	60·75	8·19
PEPSU . .	20·00	..

No subsidy was given to the State Governments to compensate for the loss on account of heavy transport charges.

(b)

(i) *Consumption of Sulphate of Ammonia*

	1953-54	1954-55	1955-56
	(Tons)	(Tons)	(Tons)
Punjab	15,295	22,112	14,296
PEPSU	3,399	3,929	3,318

(ii) *Consumption of Super-phosphate*:

	1953-54	1954-55	1955-56
	(Tons)	(Tons)	(Tons)
Punjab	396	473	255
PEPSU	23*	14*	Distribution was not arranged by State Government during this year.

*Information is for calendar years 1953 and 1954.

(c)

Quantity of Sulphate of Ammonia:

	Indented during 1955 (Calendar Year)	Allotted during 1955 (Calendar Year)
Punjab . . .	18,720	18,720
PEPSU . .	5,500	5,500

(*d*) *Short term items proposed to be granted during 1956-57*:

Sulphate of Ammonia	Super-phosphate
(Rs. in lakhs)	(Rs. in lakhs)
Punjab 11.13	Proposal not yet received.
PEPSU Proposal not yet received.	Do.

Wagon Supply to Jute Mills

919. Shri Jhulan Sinha : Will the Minister of **Railways** be pleased to state:

(a) weather it is a fact that some jute mills at Katihar and rice and oil mills at Forbesganj in Purnea District in Bihar are going to close down for want of wagons to clear their products from their godowns; and

(b) if so, the action taken or proposed to be taken in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (This Ministry is not aware of it.

(b) Consistent with the Preferential Traffic Schedule the clearance of the traffic in question is effected to the maximum possible extent. On 28-7-56, there were no outstanding registrations on account of the Katihar Jute Mills for movement of their products. In the case of Rice and Oil Mills at Forbesganj, the outstanding registrations were not high and old.

हिन्दी समय-सारणियां

९१०. **श्री म० ना० सिंह** : क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि:

(क) ग्रैंडशा के अतिरिक्त हिन्दी और अंग्रेजी में भी अखिल भारतीय रेलवे समय-सारणी के प्रकाशित न किये जाने के क्या कारण हैं ;

(ख) क्या यह हिन्दी अथवा अंग्रेजी या दोनों ही भाषाओं में प्रकाशित की जाती है;

(ग) यह रेलवे के बुक-स्टालों पर क्यों नहीं मिलती ;

(घ) क्या सरकार अगली बार अखिल भारतीय समय-सारणी को एक ही पुस्तक के रूप में और प्रत्येक जोन (महाखण्ड) के लिये अलग-अलग प्रकाशित करा कर उसको प्रत्येक बुक-स्टाल पर सुलभ करेगी; और

(ङ) क्या सरकार ऐसा कोई सस्ता संस्करण भी प्रकाशित करने की व्यवस्था करेगी जिसमें केवल समय-सारणियां और तदनुसार किराया-साारणियां ही हों ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) तथा (ख): अंग्रेजी और हिन्दी में रेलवे की अखिल भारतीय समय-सारणियां हर साल अप्रैल और अक्टूबर में रेलवे बोर्ड द्वारा प्रकाशित की जाती हैं । 'ग्रॉडशा' सरकारी प्रकाशन नहीं है । हिन्दी में अखिल भारतीय समय-सारिणी का प्रकाशन बन्द करने का विचार है । लेकिन बनारस की एक प्राइवेट एजेंसी द्वारा प्रकाशित हिन्दी की अखिल भारतीय समय-सारणी रेलवे के टिकटघरों और बुकस्टालों पर बिक्री के लिये रखी जायेगी ।

(ग) रेलवे के बुकस्टालों पर समय-सारणियां मिलती हैं । बहुत कम ऐसे मौके आते हैं जब स्टाक खत्म हो जाने पर दूसरी प्रतियां ठीक समय पर नहीं पहुंच पातीं ।

(घ) अंग्रेजी की अखिल भारतीय समय-सारणी एक भाग (खण्ड) में निकाली जाती है । लेकिन अखिल भारतीय हिन्दी समय-सारणी दो भागों में छापी जाती है ताकि यह बहुत मोटी न हो जाय । सभी रेलें अपनी समय सारणी अलग-अलग छापती हैं ।

ये सभी समय-सारणियां बुकस्टालों और टिकटघरों में बिक्री के लिये रखी जाती हैं ।

(ङ) अखिल भारतीय समय-सारणी के बारे में इस तरह के किसी प्रस्ताव पर विचार नहीं किया जा रहा है ।

भोजन-व्यवस्था

९११ **श्री म० ना० सिंह** : क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को यह ज्ञात है कि कैन्टीनों की, विशेष रूप से पूर्वोत्तर रेलवे के बरौनी, सोनपुर, छपरा, औनरिहार, भटनी, बाराबंकी आदि जैसे छोटे-छोटे स्टेशनों की कैन्टीनों की, दशा बड़ी खराब है; और

(ख) यदि हां, तो क्या सरकार इनकी दशा सुधारने के लिये कुछ ठोस कार्यवाही करने वाली है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जी, नहीं ।

(ख) सवाल नहीं उठता ।

I. A. S. Recruitment

912. Shri H. N. Mukerjee: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that a circular was issued by the Railway Board precluding applications by Railway Officers for emergency recruitment to the Indian Administrative Service; and

(b) the reasons therefor ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The difficult cadre position of the Railways and the large scale requirements of staff for implementation of the Railways' Second Five Year Plan necessitated the issue of the Circular.

Foodgrains

913. Shri Bheekha Bhai: Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that thousands of maunds of food-grains kept in open without shed at Bhatinda Railway Station have been destroyed due to lightning flash; and

(b) if so, the total estimated value of food-grains ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). There was no destruction of food-grains, kept in open at Bhatinda Railway Station, by lightning. Contents of 31 wagons of food-grains booked from Metre Gauge stations of the Northern Railway to stations on the Sothern Railway, were kept at Bhatinda Station and cleared in stages on different dates between 9th and 14th July, 1956. The consignments were partly in the covered shed and partly in the open for want of space in the covered shed. Those kept in the open were as usual protected by tarpaulins. There was unfortunately heavy rainfall and wind during this period. Slight damage might have occurred to the consignments by train. The consignments being for various places in the south; no information is available about the exact extent of damage.

Sealdah Station

914. Shri N. B. Chowdhury : Will the Minister of **Railways** be pleased to state:

(a) whether a proposal to shift the Sealdah Station from its present site to remove inconvenience of passengers is under the consideration of the Government ; and

(b) if so, when the scheme is likely to materialise ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

Ration Shops in Tripura

915. Shri Dasaratha Deb: Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether it is a fact that assurance was given to the dealers of ration shops of Tripura that carrying cost of rice from Agartala Government godown to the ration shop of rural areas would be borne by Government during the period of abnormalcy created by floods ?

(b) whether transport cost was given to the dealers so far ;

(c) if so, the rate at which it was given;

(d) whether it is a fact that rate of transport cost which is sought to be supplied to the dealers by Government at present is much lower than the rate that has been approved by Government in the case of the Transport Agencies like Cooperative Transport Society ; and

(e) if so, the reasons thereof ?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). Yes, Sir.

(c) Six pies per maund per mile plus one anna per maund as handling charge for each handling point.

(d) No, Sir,

(e) The question does not arise.

Rani of Jhansi Memorial Committee

916. Shri Sanganna: Will the Minister of **Communications** be pleased to state:

(a) whether any request has been made to the Government of India by the Rani of Jhansi Memorial Committee, or for the issue of postage stamps bearing the picture of Maharani Laxmibai of Jhansi on the occasion of her centenary on the 18th June, 1957; and

(b) if so, with what results ?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) Yes.

(b) The matter is under consideration.

Passenger Guides

917. Shri Sinhasan Singh: Will the Minister of **Railways** be pleased to state:

(a) the grades and avenues of promotion of the passenger guides appointed in different Railways; and

(b) whether these passenger guides can report directly to higher authorities against the irregularities of Railway Station Staff about the amenities of passengers and whether they are given any periodical chances to meet D. T. S. and other high officers to put forward passenger grievances?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) (i) Rs. 60—150.

(ii) Rs. 100—185 } Personal to these Social Guides who were originally recruited on these scales of pay.
(iii) Rs. 150—225 }

Their avenue of promotion is the same as for Ticket Collectors with the proviso that they should take their place in the seniority list in the lowest grade of Ticket Collectors.

(b) No, except on the South Eastern Railway. They do not meet higher officers periodically. However, they can meet and report matters to officers while inspecting stations.

Anti-Rabies Vaccine

918. Shri Rishang Keishing: Will the Minister of **Health** be pleased to state:

(a) whether the anti-rabies vaccine for treatment was not available recently anywhere in Delhi due to certain Government restrictions; and

(b) the Government restrictions due to which anti-rabies vaccine was not readily available and the action taken to make the vaccine readily available in Delhi?

The Minister of Health (Rajkumari Amrit Kaur): (a) This is not a fact. Anti-rabic vaccine is always available in the Willingdon and Safdarjang Hospitals, New Delhi, and in the Hindu Rao Hospital and Jama Masjid Dispensary, Delhi.

(b) Does not arise.

Community Projects and N.E.S. Blocks

919. Shri Sanganna: Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 2349 on 18th May, 1956 relating Community Projects and N. E. S. Blocks and State:

(a) whether the information called for the remaining States has since been received; and

(b) if so, what is the position of each state?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes—except from Jammu & Kashmir State.

(b) A statement is laid on the Table of the House [*see* Appendix VIII, annexure No. 28].

Railway Concession

920. Shri Shree Narayan Das: Will the Minister of **Railways** be pleased to state:

(a) the number and names of such bodies of educational, cultural or social importance as have applied for enlistment in the list of such institutions and organisations as are entitled to get Railway concessions for their delegates to attend their annual Conferences held in India, during the year 1956 so far;

(b) the names of the those which have been enlisted;

(c) the names of those whose applications have been rejected; and

(d) the reasons on which they have been rejected?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) During 1956, 15 bodies have applied for inclusion in the list of all India bodies entitled to rail concession. A list of these bodies is laid on the Table. [*see* Appendix VIII, annexure No. 29].

(b) and (c). None of these bodies has been included in the list.

(d) The existing list consists of a few recognised all-India bodies of educational, cultural and social importance, whose annual meetings are attended by large numbers from all over India, or whose activities are considered to be of a great importance for educational, cultural or scientific advancement. This list was made in 1955 after a careful review. The next review of this list is to be made in 1958 when the claims af all these bodies will be duly considered, on merits.

Floods in West Bengal

921 Shri N. B. Chowdhury: Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 250 on the 25th July, 1956 and state whether the estimated loss in Midnapur has been calculated on the basis of cost of cultivation already incurred by the peasants or on the basis of the value of the expected harvest which have been lost?

The Minister of Food and Agriculture (Shri A. P. Jain): On the basis of the value of the expected harvest which has been lost.

T. B. Hospital, Imphal

922. Shri Rishang Keishing: Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that more patients are admitted into the T. B. Hospital at Imphal than there is accommodation at present;

(b) whether there are several patients on the waiting list for admission to the hospital;

(c) if so, whether Government propose to increase the number of beds in the existing T. B. Hospital in the immediate future; and

(d) the provisions made for starting additional T. B. hospitals in other part of Manipur to cope with the increasing T. B. incidence in the State?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes. While there is accommodation for 20 T. B. patients, there are 47 T. B. patients in the hospital.

(b) Yes. 107 T. B. patients are attending as out-patients for treatment.

(c) Yes. There is a proposal for construction of one 100 bedded ward in 1957-58 under the Second Five Year Plan.

(d) A provision of 5.472 lakhs has been included in the Second Five Year Plan of the State for opening of—

(i) one Central T. B. Cilnic,

(ii) two sub-clinics, and

(iii) one moblie T. B. Clinic; and for the construction of one 100 bedded T. B. Hospital.

T. B. Hospital, Imphal

923. Shri Rishang Keishing: Will the Minister of **Health** be pleased to state :

(a) whether there is any arrangement for segregation of female T. B. patients in the T.B. hopsital of Imphal, Manipur ; and

(b) if not, whether any arrangement is proposed to be made in the immediate future for a separate female ward in the T.B. hospital?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) Does not arise.

भूतपूर्व बीकानेर स्टेट रेलवे के कर्मचारी

९२४. **श्री प० ला० बारूपाल** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भूतपूर्व बीकानेर स्टेट रेलवे के कर्मचारियों को मुफ्त मकान की सुविधा दी गयी थी परन्तु रेलवे का एकीकरण किये जाने के बाद उनकी पदोन्नति अथवा स्थानान्तरण होने पर वह इस सुविधा से वंचित रह जाते हैं ; और

(ख) क्या यह सच है कि जिन कर्मचारियों को १ अप्रैल, १९५० को रेलवे के क्वार्टर दिये गये थे उनका अपने पूरे सेवाकाल में उन क्वार्टरों पर अधिकार रहेगा ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) भूतपूर्व बीकानेर स्टेट रेलवे के जिन कर्मचारियों को बिना किराया लिए मकान दिये जाते थे, उन्हें यह रियायत तब तक दी जायेगी जब तक वे उस वर्ग (category) में काम करते हैं जिनमें संघ-वित्तीय एकीकरण (federal financial integration) से पहले यह रियायत दी जाती थी ।

(ख) १ अप्रैल १९५० को जिन कर्मचारियों के पास क्वार्टर थे उनमें उन्हें उस समय तक रहने का अधिकार है जब तक वे किसी दूसरे स्टेशन पर बदल न जायं जहां यदि क्वार्टर हो, तो उन्हें दिये जा सकें ।

Train Examiners

925. Shri N. B. Chowdhury: Will the Minister of **Railways** be pleased to state :

(a) whether the pay scales of apprentice train examiners of the South Eastern Railway differ from the pay scales of the corresponding staff of the Eastern Railway ; and

(b) if so, in what ways and the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

बामान्या स्टेशन

९२६. **श्री अमर सिंह डामर** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बामान्या स्टेशन पर ऊंचा प्लेटफार्म होते हुए भी रेलवे बोर्ड ने वहां ऐक्सप्रैस और लोकल गाड़ियों की क्रासिंग न करने का कोई आदेश दिया है; और

(ख) यदि हां, तो इसके कारण क्या हैं ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जी, नहीं।

(ख) सवाल नहीं उठता।

Guards on Northern Railway

927. Shri R. P. Garg : Will the Minister of **Railways** be pleased to state :

(a) the number of posts of A, B, and C class Guards on Northern Railway and separately in the Divisions ;

(b) whether it is a fact that the number of A Class Guards has been reduced by abolishing Conductor Guards and if so, how the Guards have been compensated for being reduced in their Grade ;

(c) whether it is a fact that guards are not being confirmed for the last few years; and

(d) if so, why?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) A statement is laid on the Table. [*See* Appendix VIII, Annexure No. 30].

(b) Yes. But, there has been no reduction in their scale of pay as they have been provided as Guards Grade 'A' in the same scale.

(c) and (d). Yes in respect of ex-E.I. and E.P. Railway Units. This is partly due to abnormal conditions resulting from regrouping of Railways and partly due to principles for determining combined seniority of Guards not having been laid down.

Parlakimidi-Light Railway

928. Shri Sanganna : Will the Minister of **Railways** be pleased to state :

(a) whether Government are aware that a reservoir is being constructed across the river Vamsadhara in the Koraput District in Orissa by the Government of Orissa and the Andhra State ;

(b) if so, whether any dislocation will be caused to the Parlakimidi-light Railway in the South Eastern Railway Zone on account of this Reservoir ; and

(c) if so, to what extent?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The Government understand that the proposal is in the exploratory stage.

(b) and (c). It is not possible to say at present.

Improvement of Railway Track

929. Shri L. N. Mishra : Will the Minister of **Railways** be pleased to state :

(a) whether there is any proposal to improve the present railway track between Dhamharaghat and Koparia station of North Eastern Railway in Bihar ; and

(b) if so, the details thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). There is a very heavy flow of spill water from the Kosi river during the rains through the gaps left by the wash out of two bridges in 1938 when the Kosi changed its course. The Bihar Government have undertaken construction of flood bunds along the river banks. Proposals for providing bridges and an all weather line in place of the present fair weather low level diversion between Dhamharaghat and Koparia stations will be considered when the stabilising effects of the works undertaken by the Bihar Government are known.

Sheds on Platforms

930. Shri Shree Narayan Das : Will the Minister of **Railways** be pleased to state :

(a) what is the basis and principle on which sheds have been and are being provided on platforms of stations on different Railways ;

(b) the number of cases in which any deviation has been made from the principles laid down ;

(c) the total number of stations for which sanction has been accorded to provide shed covers on the platforms on different Railways ; and

(b) the number of such stations in each Railway where such shed covers will be provided during the Second Five Year Plan?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) According to the extent orders cover over platforms is provided taking into consideration the climatic conditions, number of passengers and the nature of traffic dealt with at a particular station. Normally sufficient area is covered to enable half the maximum number of passengers, booked or detrained, to be accommodated at the rate of 6 sq. ft. for each passenger. At important stations the whole platform is covered. The actual provision is made on a programme basis according to the importance of the station, the availability of funds, and the acceptance of the demand by the Passenger Amenity Committee.

(b) to (d). The information is being collected and will be laid on the Table of the House in due course.

आयुर्वेद सम्बन्धी गवेषणा (मध्य प्रदेश)

६३१. श्री रा० स० तिवारी : क्या स्वास्थ्य मंत्री ६ सितम्बर, १९५५ के तारांकित प्रश्न संख्या १६२५ के उत्तर

के सम्बन्ध में यह बताने की कृपा करेंगी कि :

(क) क्या तब से वह विस्तृत प्रस्थापनायें मध्य प्रदेश सरकार से प्राप्त हो गयीं हैं और क्या रायपुर जिले में उस आयुर्वेद गवेषणा केन्द्र की स्थापना कर दी गयी है; और

(ख) यदि नहीं, तो उस केन्द्र को कब तक स्थापित करने का विचार है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) मध्य प्रदेश सरकार से विस्तृत सुझाव मिल गये हैं और उन पर विचार किया जा रहा है ।

(ख) यह प्रश्न नहीं उठता ।

Extra Departmental Postal Employees

932. **Shri Kelappan** : Will the Minister of **Communications** be pleased to state the pay of different categories of extra-departmental postal employees ?

The Minister in the Ministry of Communications (Shri Raj Bahadur) : The categories of Extra Departmental Staff together with their scales of pay are as follows :—

Category	Basic Allowance	Dearness Allowance
1. E.D. Sub-Postmasters .	*Rs. 30 to 40	Rs. 25/-
2. E.D. Branch Postmaster .	*Rs. 10 to 25	Rs. 10/-
3. E.D. Delivery Agent	*Rs. 10 to 25	Rs. 10/-
4. E.D. Mail Carrier .	*Rs. 10 to 30	Rs. 10/-
5. E.D. Stamp Vendor .	Rs. 10 to 35	Rs. 10/-

*A fixed allowance upto Rs. 10/- is given in addition to these Extra Departmental Sub-Postmasters or Extra Departmental Banch Postmasters who are required to convey or deliver mails. Similar increase is possible for combination of duties of mail conveyance and delivery of articles.

डाक-घर भवन (बड़नगर)

९३३. **श्री राघेलाल व्यास** : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बड़नगर (जिला उज्जैन) में एक डाकघर भवन का निर्माण करने की योजना मंजूर की जा चुकी है; और

(ख) यदि हां, तो उसका निर्माण कब तक आरम्भ हो जाने की आशा है ?

संचार मंत्रालय में मंत्री (श्री राज बहादुर) : (क) तथा (ख). इस प्रस्ताव की जांच की जा रही है ।

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LOK SABHA

Friday, 24th August, 1956.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

12.09 P.M.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER INDIAN AIRCRAFT ACT.

The Minister of Communications (Shri Jagjivan Ram): Sir, I beg to lay on the Table a copy of the Notification No. S.R.O. 1645, dated the 21st July, 1956 together with an Explanatory Note, under sub-section (3) of section 5 of the Indian Aircraft Act, 1934. [Placed in Library, *See* No. S-344/56]

APPROPRIATION (NO. 3) BILL

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): Sir, I beg to move*:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57, be taken into consideration."

Mr. Speaker: The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57, be taken into consideration."

The motion was adopted.

Clauses 1 to 3, the Schedule, the Enacting Formula and the Title were added to the Bill.

Shri M. C. Shah: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

APPROPRIATION (NO. 4) BILL

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I beg to move*:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1952, in excess of the amounts granted for those services and for that year be taken into consideration".

Mr. Speaker: The question is:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the

*Moved with the recommendation of the President.

[Mr. Speaker]

31st day of March, 1952, in excess of the amounts granted for those services and for that year, be taken into consideration."

The motion was adopted.

Clauses 1 to 3, the Schedule, the Enacting Formula and the Title were added to the Bill

Shri M. C. Shah: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

BUSINESS OF THE HOUSE

Shri Kamath (Hoshangabad): On a point of order, I am constrained to bring to your notice one important point. Almost every other day, the Order Paper springs a surprise on us. The National Volunteer Force Bill has been pending since November last. It was first put on the agenda in November, 1955. But subsequently, it was omitted. In it came and out it went from time to time. Even yesterday, it was mentioned in the Order Paper. But suddenly, today it has vanished. It has performed the vanishing trick again. In today's Order Paper, item 4 is the State Financial Corporations (Amendment) Bill, perhaps in the place of the National Volunteer Force Bill. For this Bill, some of us are not prepared at all. We were prepared for the other one. The manner in which the House is being treated is very unfair.

Mr. Speaker: Was it mentioned in the Order Paper of yesterday?

Shri Kamath: Yes; but without any notice, it has been changed.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): The Government do not want to proceed with the National Volunteer Force Bill during this session. The decision was taken very late and therefore, I regret I could not inform the House. It is not coming up during this session.

Shri K. K. Basu (Diamond Harbour): The House sat till about 6.30 p. m. yesterday.

Mr. Speaker: Except in cases where a decision is arrived at very late in the day, after the sitting of the House is over, in all other cases, when a decision is arrived at a little earlier—on the previous evening itself—the hon. Minister may inform the House of the decision, so that the hon. Members may pass over that particular item and come prepared with the next item.

So far as the change is concerned—the changes made in the Order Paper—I should like to say that the hon. Members ought not to be under the impression that the items mentioned in the Order Paper alone will be taken. Suddenly, the items may collapse and the House also might suddenly adjourn without transacting business for various reasons.

Shri Kamath: May I submit that some time is allotted for the various stages of each Bill, by the Business Advisory Committee; and later approved by the House. For instance, if the Government Premises (Eviction) Amendment Bill is taken up, the Minister concerned knows how long it will take and he comes prepared with his own particular Bill. It is easy for the Ministers to do so, assisted their big staff and what not. But for the Members, this side and on the other side also, they have to study many Bills singlehanded. So, if you say that we must study all the Bills that are put on the agenda, it will be very difficult for us.

Mr. Speaker: The hon. Members must come prepared after studying as many Bills as possible a reasonable number of Bills.

The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru): If I may say so,

the hon. Member's objection has some force. I admit that it is rather inconvenient for Members to see a Bill suddenly being removed. I am very sorry it happened. My colleague said that the Government have decided to take up that Bill at the next session, but, if the House wishes that it should be taken up during this session, we shall take it up in this session at a not distant date. We might try to arrange it that way.

Mr. Speaker: Not that the hon. Members are very particular that that Bill should be taken up today.

Shri Jawaharlal Nehru: I wanted to express my regret for what has happened. I was only saying that we might arrange to take it up during this session, if it suits the convenience of the House.

Shri Kamath: I may remind the hon. Prime Minister that the National Volunteer Force Bill has been pending in the House since November last.

Mr. Speaker: Is it the desire of the hon. Member that it should be taken up during this session?

Shri Kamath: Yes.

Mr. Speaker: If the hon. Prime Minister is willing, they might provide a particular date for this Bill.

GOVERNMENT PREMISES (EVICTION) AMENDMENT BILL—*concld.*

Mr. Speaker: The House will now take up the further consideration of the following motion moved by Sardar Swaran Singh on the 23rd August, 1956, namely:

> "That the Bill further to amend the Government Premises (Eviction) Act, 1950, as amended, be passed".

Shri K. K. Basu (Diamond Harbour): This Bill was moved with the observation of the Minister in charge that it is a very innocuous piece of legislation and that it is nothing but an amendment to the existing small piece of legislation. But, if one goes through the Bill and studies the amendments, one will find that the amendments go much farther than what was provided for in the original Act.

Yesterday, there were a number of speeches made by several hon. Members who urged that this Bill should not be amended in the way in which it has been sought to be amended. The main idea of this Bill, it seems to me, is to empower the Delhi Improvement Trust or any other local body, as provided in the Act, to evict a person from the public premises as defined in the provisions. The old Act restricted the powers and provided only certain powers for the Central Government. Therefore, to say that this is a simple piece of legislation is just to create an illusion in the minds of the people. This is far from an innocuous piece of legislation. I for one oppose the particular amendment which empowers the local authorities to evict persons. I oppose that amendment with all the force at my command. At this stage, when we are talking in terms of improvement of the living conditions of the common man, we are giving certain powers to the Delhi Improvement Trust to come in the way of the common man! We know the activities of the Delhi Improvement Trust. The Ministers who are in charge of legislation like the present one, have time and again come forward with the suggestion that they have been doing all that is possible to see that the poor people do not suffer at the hands of the Government. But the result of this Bill would be that the poor people who are now living in the city of Delhi will not have any right hereafter to live in the city. We are told that they are being transferred to places which may be five or six miles away from the city. Here, they are getting some sort of occupation just to keep their body and soul together. But this change that has been made now would affect a number

[Shri K. K. Basu]

of poor persons and also the poor refugees.

What is the basis of this slum clearance? Do you mean to say that the provisions that have now been made in the Bill are in accordance with the Constitutional provisions or spirit. We have adopted the proposal or the goal for a welfare State and the ideal of a welfare State has subsequently been changed into one of the socialist pattern of society. Yet, the poor persons who have no means of livelihood and who are living in the slums are asked to go five or six miles away from the city.

Now, I would ask one question. Where is the problem of slum clearance arising now? Let us be honest about it. You should declare that the city is meant for the rich to live and the slum dwellers have no right to live here. You cannot simply say that you should remove all the people living in the slums and send them away to long distances from the city. I do not go into the merits of the case, but let us realise the position created for the poor artisan or the poor worker who has to live in the city for his means of livelihood. How can they carry their trade coming from a long distance of five or six miles away from the city, to the city proper?

Perhaps, the idea of the authorities is that the whole city of Delhi should be just like New Delhi is at present. So far as the position of New Delhi is concerned, the British Government had some views about it, namely, that it should be a preserve for the Britishers and officials. But unfortunately I find that even today the present Government has the same attitude. We know what difficulties the citizens of Delhi have to face regarding the construction of the houses. The Prime Minister once had the idea—it was about two or three years back—that instead of constructing big houses, with ten acres of compound around them, for the benefit of Ministers, Secretaries and other high dignitaries, it would be better to have more compact buildings. I would ask, how many of the high dignitaries in the Government services could afford to have, on their own, such big houses and other comforts as they are now enjoying and as are provided by the Government. It is not possible for the common men of India and even for big businessmen except those living in the Malabar Hill or in the Alipur quarters in Caclutta, to live in a building or house with a big compound and all that. Today the slums in Delhi are being cleared to build such palaces and business houses, so that the foreign tourists will come and go out saying "Delhi is a big city of palaces". But what about the people who had for generations contributed to the building of this great city brick by brick? Should they lose the right of living in this city? I can understand if the Government honestly come forward and say, "Delhi is meant for Government officials and big business people only, because the cost of living is too high". They do not do so. The idea of slum clearance should be to accommodate the slum-dwellers in the area near about Delhi from where they can eke out their livelihood. I find from the reports and different publications that slums are being shifted from the heart of Delhi to places where again the slums are created.

Our hon. Health Minister has been going round the world and she must have seen to what extent those countries have tried to solve the problem of slums. Not only in the socialistic world, but even in the capitalist world, they have tried to establish workers colonies and build multi-storeyed buildings for them near about the city. On the other hand, here we are having slum clearance not to rehabilitate the same persons who were living in the slums, but to build palaces for Government officials and others. I would urge upon

the Government that by slum clearance we mean that the slum-dwellers must be enabled to live in a better way in the city itself or in some area near the city; they should not be shifted four or five miles away from the city. In November, 1943, I think, the present External Affairs Minister of Australia, who was then Governor of West Bengal, took it into his head all of a sudden that Calcutta should be cleared of slums. They wanted to build a road and they acquired the *basti* and the houses built for the slum-dwellers, who were pushed out 3 or 4 miles away without any accommodation. What was the result? It is not my figure, but the figure given by the Cheif Executive Officer of the Calcutta Corporation. The population per square foot in the *bastis* and slum areas increased. Where formerly two people were living in a 10 square feet area four people began to live after the slum clearance and the rent per head also increased, because the accommodation available for those slum-dwellers became shrunk. My whole proposition is this. While advocating slum clearance, it must be done in such a way that in the city itself there are certain areas where people with moderate means can live. Unless we have that sort of planning, though it may be possible for rich people, Government officials or even Members of Parliament to live in big houses, the common people will have no right to exist in the city of Delhi or in any city for that matter. I want that the whole attitude should be changed.

My suggestion is that we should subsidise these buildings and the return on the investment made should not be 6 to 8 per cent. At present there is no rent control for the newly built houses and they charge whatever rent they like. I want you to compare that with the return on Government investment. When individuals get 8 to 10 per cent, return, why should the Government also always expect to get the same thing? In the Constitution the principle of a "Welfare State" was adopted and it was subsequently improved upon by the party in power as "socialist pattern of society". So, we must see that the slum dwellers also have equal rights to participate in the common amenities and enjoyments that are afforded to the citizens of Delhi. Unless that is done, this Bill has no meaning.

There is another point also. It is very dangerous to give power to the executive against which there is no right of appeal. Originally it was in the hands of the Central Government, which can be directly called into question. But now they are creating an autonomous body and giving powers to them. We will not be able to question it anywhere, more so because in the new set-up, Delhi State will have no legislature. There is no way in which the Delhi Improvement Trust can be brought before the forum of Parliament or any other legislature. I do not know the real position of the Delhi Improvement Trust, apart from the reports I have seen and which go very much against it. Now powers of summary eviction have been given to the Delhi Improvement Trust. Even if a particular officer issues the order in an indiscrete manner, within 15 days action should be taken. We know fully well how difficult it is to work up the Government machinery. We know how people go before the courts and get protection to find out whether it was actually necessary for the purpose of the Government. The definition of "public premises" has also been widened. In the original Act, it was restricted to Government premises. I can understand the Delhi Improvement Trust being given certain powers which are absolutely necessary, but I do not want this summary power to be given to an autonomous body like that. It is more than the delegation of authority which is necessary.

Something has been said about the advisory committee. I do not know what the fate of the advisory com-

[Shri K. K. Basu]

mittee will be. After sometime, the Minister may not be there; there may be a change in the Government and new people may come in. Even if the Congress Government comes to power, their composition may change. Therefore, advisory bodies have no meaning in the present state of things. We know there was a long discussion in this House about the working of the Displaced Persons (Compensation and Rehabilitation) Rules, where they had much more statutory power. I am very much concerned about entrusting so much power to the bureaucracy, about which we have very much doubt. I do not say that every member of the Government machinery is bad; but, some of them, more especially the senior members among them, have not got over the bureaucratic attitude that prevailed in the old British days. A majority of them have not got over it.

I would urge upon the Government to be sincere. If you are sincere, come forward and honestly say that by slum clearance you mean that the common man, the poor man, will have no right to live in the heart of the city of Delhi. Honestly say so if you want that the slums should be cleared for the purpose of building big palaces for big officers and businessmen, so that the foreign tourists who come to see Delhi may say, "Delhi is a nice place, compared to any other metropolis in the world". I have no doubt that we all want Delhi should be beautified and Delhi should be improved. But Delhi should have not only palaces; it must have buildings for the poor too. Of course, Delhi was the seat of many empires in the past and so it should have those big palaces and all that. But what about those people living in the slums? We must have houses for them also. This problem is not new to us for we come from areas where the people are much more closely connected with the cities life. So Delhi should not confine itself to palaces. We have found that the people living in Delhi, especially in Old Delhi are in a worst condition. So, buildings must be provided for them too.

Therefore, I urge upon the Government: don't have this Bill; withdraw this Bill and bring forward another improved Bill. Regarding the Delhi Improvement, not only the common man but even the big businessmen feel that it is not functioning well. It has not only to build palaces but has to look after the comforts of the common man in the city. Every one has to live happily and that is the concept of the welfare State.

With these words I oppose this particular provision of the Bill and wish the House will throw away the Bill so that the Government will, in course of time, bring forward another improved Bill which will help the people of Delhi and rehabilitate the slum dwellers, not by building palaces but by constructing cheap houses for the common man.

Shri C. K. Nair: (Outer Delhi): At the fag end of the discussion on the Bill I am going to support this Bill but with certain modifications which I expect the Government to keep in view when they bring forward a more comprehensive and more useful legislation, without which the improvement of Delhi is impossible. Of course, I feel that this particular Bill is very inadequate to cope with the tremendous problem that is facing the Government and also the people, especially at present when we are passing through a very crucial period on the history of Delhi for our State is going to disappear and, perhaps, the responsibilities falling upon Parliament will be much more hereafter than before. Up till now we have been facing demonstrations at the Ministers' places in the State. But hereafter we are going to have more demonstrations, perhaps at the gate of Parliament. Therefore, we have to be very very careful about it. A number of speeches have been made and an appeal has been made.

It is really a human problem; it is not an architectural problem. I am afraid even this Delhi's master plan —what is going to happen God alone knows—is not likely to succeed because I do not see anybody with imagination associated with it. It is full of architects. I do not know what is the sort of thing they are going to produce. Therefore, I want to make an appeal to the Government to be more careful before bringing before Parliament or the public this master plan. The master plan must be given the real human touch. It is more human than anything else because we have to face the crime of displacing the people who are suffering in the slums. It is not only human in every respect but it is economical, social and psychological too. Of course, people will have to be shifted some six miles away or so. I don't mind that because even now the municipal committee's employees are going to be given accommodation perhaps four miles away from the municipal premises. It is inevitable. Now Delhi has more than ten miles. It is a city of distances. We will have to put up with that.

But still there must be a proper approach; that is what we are lacking at present. I have been advocating for a master plan for the last five years and we are very glad that we are going to have one very soon.

An Hon. Member: Last five years?

Shri C. K. Nair: Even before that I have been advocating that in the Chief Commissioner's Advisory Council, of which I was a member because we have been noticing before our very eyes how things are going in anarchic way. That has to be controlled. Unfortunately, we are not able to do it because of the lack of a master plan. Fortunately, we are going to have one. But let it not be a dead plan prepared by the architects alone; let more experienced engineers be associated with it and also social workers and sociologists may be associated with it.

How to deal with this human aspect of this problem? Of course, we can simply build two or three or four types of houses and ask them to occupy those houses in the colonies. But, as I have repeatedly stated, the city of Delhi contains about two lakhs of population living in slums?

An Hon. Member: Two lakhs?

Shri C. K. Nair: Not less than two lakhs. Fortunately, the Bharat Sevak Samaj has taken up the work in right earnest. They have roused the enthusiasm and spirit of the people and also the slum dwellers. Not only that, even the authorities have been attracted towards their services, including the Prime Minister. He is now taking great interest in the improvement of the city. That means, we cannot do it without a much bigger and more comprehensive law to deal with the difficulties which we will have to face at every step in every *gali* and in every slum area.

Therefore, I feel that two things have to be done very soon. One is that the master plan must be completed with the fullest possible consideration given at least to the substance of what we have been discussing here. The master plan must have a very good reception. If it gets a bad reception, that will be very bad for the whole of Delhi. Therefore, we should be very careful about it because I have been noticing that aspect has been neglected in spite of our repeated requests—no non-official or social worker is associated with the master plan. I think we have every right to demand it. It is simply stated: It is an expert's business. No, it is not. If it is an expert's business, that expert must also know human nature. That has been ignored in the plan, that is what I hear. They are more particular about keeping the monuments and things like that. Let there be monuments and we are very happy to have them because in the most historical place where we are living in, we must have respect for them. But the human problem is there and the living monuments are

[Shri C. K. Nair]

to be respected more and they should be given better facilities for living in this city. Therefore, this aspect of the question should not be lost sight of.

Secondly, the workers of the Bharat Sevak Samaj are working there. How do they work? They are associating the services of the School of Social Work of Delhi where there are post-graduates taking great interest in this subject; new blood with imagination is there. They want to help us and we are undertaking a very big survey work. So far more than a thousand *ilakas* of Delhi have been visited and full, detailed and comprehensive survey is being undertaken, with the help of the School of Economics of Delhi also. But we are not getting as much help as is really required for the tremendous task before us. The Government is not doing anything in that respect. Of course, they are going on with the master plan. But how can they do it without knowing really the difficulty of every individual and family living in the slum areas?

Therefore, my appeal is this. For this master plan an authority has to be created. This Improvement Trust has become notorious; we all know it. It is a plain fact, I say this in Parliament, and so it should be scrapped. Of course, the Delhi Development Provisional Authority has been created for one year. This is also a pitiable effort. Everything is in a flux even now. Perhaps, after December we will have no Authority to control. Therefore, I expect that a Bill is going to come soon to establish a permanent Authority with full powers and armed with very effective law and all that. Therefore that authority is inevitable. Of course, if we force any authority, it is very difficult to face the people. Therefore, their feelings, their opinions and their interests also should be kept in mind when we pass any laws.

These are the two points which have to be considered.

Pandit K. C. Sharma (Meerut Distt.—South): Mr. Speaker, Sir, I rise to support this measure. I am in full sympathy with the observations made by my hon. friend Mr. K. K. Basu and also Mr. Nair.

Sir, the two pre-requisites for any planning, or for any development planner, are that the man in the field should be the final authority as to what steps should be taken. Nothing is possible to be done which is significant and important if everything is to be debated and judgment to be taken by people far away from the field of action and taking, more or less—it may be human—but, more or less, an academic view of life, an academic view of things. Practical things are done on the spot by people who have to plan and who have to execute it. The other point is that it is also necessary that the people as such should be associated with any development plan and Mr. Nair is right in saying that the social workers, or the people who are willing to participate in that work and to assist therein should be taken into confidence and their support, their aid should be taken advantage of.

Taking these two points as accepted maxims I fail to understand where do all these considerations which my friend, Mr. K. K. Basu has pointed out come in. It is a simple Bill which is in the definition of 'public' premises and it does not add anything. It simply removes certain lacuna that existed, which has been found from the experience of working, necessary and warranted, by the facts in planning and development.

Then, there is another addition "unauthorised occupation" and then "the authority competent to permit". These are very simple additions, very simple amendments. They do not warrant any drastic criticism or hard criticism whatsoever against this simple Bill.

So, I beg to submit that if you have to take up the job of clearance of slums some hardship is necessary for this simple principle that everything beautiful is a thing difficult. If you have to do something which is worth doing then, Sir, hardship, here and there, is bound to occur. The only human effort could be that it should be minimised and it should be as less as is humanly possible.

With these words I support this Bill.

पंडित ठाकुर दास भार्गव (गुड़गांव) : जनाब स्पीकर साहबा ।

Shri Kamath (Hoshangabad): May I point out, Sir, that there is no quorum in the House? There should be a quorum for Panditji.

Mr. Speaker: There is the quorum. We are not going to put anything to the vote. The hon. Member, Pandit Thakur Das Bhargava, may continue.

पंडित ठाकुर दास भार्गव : मैंने इस बिल के बारे में कल भी लम्बी चौड़ी तकरीर की थी और मैं नहीं चाहता कि इस मौके पर मैं उसमें से किसी हिस्से को दुहराऊं लेकिन मैं जनाब की खिदमत में अर्ज करना चाहता हूं और उसकी खास वजह यह है कि मैं हाउस में यह पाता हूं कि जितनी बातें मैंने अपनी तकरीर में कहीं, उनमें से किसी का भी जवाब गलत या दुरुस्त हाउस के अंदर नहीं किया गया । शायद यह मुमकिन है कि उनका जवाब दिया ही न जा सकता हो और वे बातें इतनी दुरुस्त हों कि उनका जवाब दिया ही न जा सकता हो और अगर ऐसा हो तो मुझे कोई शिकायत नहीं है लेकिन अगर वह बातें ऐसी नहीं है जिनको कि आनरेबुल मिनिस्टर साहबान तसलीम करें तो यह वाजिब है कि इस हाउस के अंदर डिबेट (वाद-विवाद) को कम से कम पुरमानी बनाने के वास्ते उन ओबजेक्शंस (आक्षेप) को मीट (उत्तर देना) किया जाना चाहिए था ।

मैंने शिकायत की थी कि किस तरीके से कई हजार मकान बावजूद इसके कि उनको एश्योरेंस (आश्वासन) दिये गये, उन ऐश्योरेंसेज के बरखिलाफ उन मकानों को गिराया गया । ४० हजार, १५ हजार, १० हजार और ८ हजार की लागत के कितने ही पक्के मकान गिराये गये और कच्चे मकान तो बेशुमार गिरोये गये । इन बातों का जवाब देते समय हमको उम्मीद यह थी कि कम से कम आनरेबुल मिनिस्टर साहिबा कुछ लफ्ज सिम्पैथी (सहानुभूति) के कहेंगी कि यह सब हुआ तो सही लेकिन हमें उसका अफसोस है । कल हमारे पंडित जी ने नागों के बारे में बतलाया और साथ ही यह फरमा दिया कि हमसे नागा विद्रोह दबाने के सिलसिले में मुमकिन है कुछ गलतियां भी हो गई हों । अगर इस तरह से कुछ हमारी मिनिस्टर साहिबा ने फरमाया होता तो जिन लोगों के मकान आपके महकमे ने गिरवाये थे उनको कुछ तसल्ली होती कि चलो मिनिस्टर साहिबा को हमारे साथ कुछ हमदर्दी तो हुई । लोगों की आंखों के सामने उनका आशियाना लुट गया और मिनिस्टर साहिबा ने उनके लिए एक लफ्ज भी हमदर्दी का नहीं कहा । ऐश्योरेंस कमेटी (आश्वासन समिति) की रिपोर्ट (प्रतिवेदन) यह थी कि उन अफसरों के खिलाफ जिन्होंने कि पार्लियामेंट के अन्दर जो कुछ ऐश्योरेंसेज दिये गये थे उनकी खिलाफ वर्जी की है और उनको तोड़ा है, उन के बरखिलाफ कोई ऐक्शन (कार्यवाही) लिया जाय । हमारे स्पीकर साहब ने ऐश्योरेंस कमेटी बैठाई और उसने भी यह साफ तौर पर कहा कि किन अफसरान का यह कसूर है इसका पता लगाया जाय लेकिन हमने देखा कि हमारी मिनिस्टर साहिबा ने बगैर उस बात को देखे हुए और बगैर एक लफ्ज सिम्पैथी का कहे हुए उनको सर्टिफिकेट (प्रमाणपत्र) दे दिया और यह ऐलान कर दिया कि अफसरान का कोई कसूर नहीं है और वे अफसरान बिलकुल मासूम हैं और उन्होंने कोई कसूर नहीं किया है । मुझे नहीं मालूम कि आया कोई तहकीकात इस ऐश्योरेंस कमेटी को रिपोर्ट आने के बाद सरकार ने कराई

[पंडित ठाकुर दास भार्गव]

या नहीं कराई, जहां तक मैं समझता हूं इस किस्म की कोई तहकीकात नहीं हुई । जो शिकायतें उस ऐश्योरेंस कमेटी ने की थीं उनको दुरुस्त करने के वास्ते भी जहां तक मैं समझता हूं कोई माकूल स्टेप नहीं लिया गया । सन् १९५१ के बाद से आज सन् ५६ तक किस को एक पैसा एक्स ग्रैशिया (अनुग्रह से) नहीं दिया गया है जिसका कि दिया जाना एज कंडिशन प्रेसिडिन्ट (as condition precedent) ऐबसौलूटली नैसेसरी (सर्वथा आवश्यक) था । मैंने कल अर्ज किया था कि जिनको कि मकानों से बेदखल करके उनके मकानों को गिराया गया उन आदमियों को बसाने की कोशिश नहीं की, यह ठीक है कि कुछ लोगों को एलिजिबीलटी स्लिप्स (पात्रता की पर्चियां) दी गई लेकिन वह किस काम की । जहां तक झंडेवालान का ताल्लुक है अभी तक यह फैसला नहीं हुआ है कि वहां पर मकान बनाये जायेंगे या नहीं तब क्या लोग आपकी उन एलिजिबीलटी स्लिप्स को शहद लगाकर चाटें । वहां अभी तक मकान बनाने का फैसला ही नहीं हुआ है ।

जनाबवाला, मुझे आखिर में यह कहना है कि जिन को कि मरहम लगानी चाहिए थी और जिनको कि कम से कम एक लफ्ज सिम्पैथी का कहना चाहिए था और आयन्दा के वास्ते यकीन दिलाना चाहिए था कि उनके ऐश्योरेंसेज का खयाल रक्खा जायगा अफसोस के साथ यह कहना पड़ता है कि उनके वास्ते एक लफ्ज भी हमदर्दी का नहीं कहा गया यहां मुझे एक बहुत ही मशहूर मसल याद आजाती है :

"बनिया हाकिम गजब खुदा" "औरत हाकिम गजब खुदा"। मिनिस्टर साहिब ने बड़े तमतडाक से कह दिया कि उनके मातहत अफसरान सब के सब देवता हैं और किसी ने कोई कसूर नहीं किया तब मैं उनसे पूछना चाहता हूं कि यह ५२२९ मकान किस तरह गिर गये ? इस हाउस के १५ मेम्बरों की ऐश्योरेंस कमेटी ने यह फैसला दिया कि जितने ऐश्योरेंसेज थे उनके ऊपर ठीक तरह अमल नहीं हुआ और उनकी खिलाफवर्जी की गई। उसके बाद गवर्नमेंट की तरफ से उज्रदारी हुई कि इसको फिर से देख लिया जाय और इसको क्लैरिफाई (स्पष्टीकरण) कर दिया जाय, लेकिन उसका भी अभी तक फैसला नहीं हुआ और चुनाचे वही पहले वाली रिपोर्ट फील्ड होल्ड (स्थिर है) करती है । सच तो यह है कि फारसी में एक छोटा सा फिका है:

"उज्रे गुनाह अज गुनाह बदतर"।

गुनाह करने से इंकार करना गुनाह करने से बदतर है ।

मैं समझता हूं कि शायद आनरेबुल मिनिस्टर साहिबा जनाब स्पीकर साहब के पास इसलिए तशरीफ लाई हैं ताकि वे मेरी बात का जवाब दे सकें । उनको दो दफा मौका था और आगे भी मौका होगा, लेकिन पहले जो मौके उनको मिले उनमें उन्होंने एक लफ्ज भी सिम्पैथी का नहीं कहा हालांकि हम उम्मीद करते थे कि वे यह कहेंगी कि हम आयन्दा देखेंगे कि जो ऐश्योरेंसेज पहले से दिये हुए हैं उनकी खिलाफवर्जी न हो । लेकिन उन्होंन कुछ नहीं कहा । अगर वह कह देतीं तो मैं खुश होता कि अगर वह कुछ नहीं करना चाहती हैं तो कम से कम यहां दो लफ्ज अपनी जबान से कह दें ताकि हम समझें कि जो हमारे ला एंड आर्डर का गार्जियन (विधि तथा व्यवस्था का संरक्षक) है वह अगर अपने अन्दर मोम का दिल नहीं रखता तो कम से कम पत्थर का दिल भी नहीं रखता । सरदार साहब का फर्ज नहीं था, लेकिन उन्होंने यह नहीं कहा कि सारी चीजें ठीक हुई हैं और हम कुछ नहीं कर सकते । उन्होंने हमारी तसल्ली के लिये कहा कि हम देखेंगे कि क्या किया जा सकता है ।

सरदार साहब से मैंने दो ही क्लेम किये थे। एक तो यह कि जो ऐडवाइजरी बोर्ड (मंत्रणाकार बोर्ड) है उसको स्टैटुटरी बाडी (संविहित निकाय) बना दो, कम से कम वह तो हमारी तकलीफ को देखे। दूसरे यह कि जो ऐश्योरेंस दिये गये थे वह आइन्दा पूरे किये जायेंगे : जो कुछ पहले हो चुका वह तो हो चुका, अगर पहले वह आब्जर्व (ध्यान देना) नहीं किये गये तो नहीं सही, लेकिन आइन्दा तो आब्जर्व किये जायेंगे। लेकिन उन्होंने यह अल्फाज नहीं कहे। वह हमारा खयाल करते हैं। हमारे साथ हमदर्दी करते हैं, वह हमारे मकान देखने गये जिन को गिराना चाहते हैं, सब कुछ किया, लेकिन वह दो अल्फाज इस तरह से नहीं कहते हैं कि मकान बेजा तौर पर गिराये गये। पंजाब के शरणार्थियों पर जो गुजर रही है उसको वे जानते हैं। एक तो गए रूल तीन दिन हुए पास किए गए जिसमें हिन्दू खान्दान में भाई-भाई तो रह गये, बेटे उड़ गये, हालांकि उसके वास्ते कोई वजह नहीं थी। अब दूसरा बाम्ब शेल यह गिरता है कि सन् १९५१ में जो वादा किया गया था उसके वास्ते यह नहीं कहा जाता कि हम उस नुकसान को पूरा करेंगे जो हुआ और आयन्दा के लिये उन वादों को पूरा करेंगे। मैं इस एटिट्यूड पर दुखी हूं। मैं कल बिल पर बोलते समय कह रहा था कि यह बिल हिन्दुस्तान के लोगों की सिविल लिबर्टीज के वास्ते सबसे बड़ी कर्ब है। मैं हिन्दुस्तान में क्या चाहता हूं ? दूसरे मुल्कों में लोग क्यों सुखी हैं ? वह समझते हैं कि उनका मकान उनके लिये कैसेल है, उसके अन्दर कोई दखल नहीं दे सकता, वह उसके मालिक हैं, उन्हें कोई निकाल नहीं सकता हम जानते हैं कि हमारे हुकूक के मुहाफिज हमारे मुल्क की सिविल कोर्ट्स (व्यवहार, न्यायालय) हैं, एग्जिक्यूटिव (कार्य पालिक) नहीं है। यह हमारा एसेन्शल (अत्यावश्यक) फंडामेंटल (मूलभूत) एब्सोल्यूटली इंडिस्पेंसेबल राइट (सर्वथा अनिवार्य अधिकार) है, लेकिन यह बिल इन हकूक की जड़ खोदता है। मैंने जो पहले १९५१ में बहस सिलेक्ट कमीटी पर कहा था, मैंने उसको जान बूझ कर कल दोहराया नहीं कि इस बिल में क्या क्या चीजें है, हम खुद मुकर्रर करेंगे मकान का किराया, खुद मुकर्रर करेंगे डैमेजेज और खुद ही वसूल करेंगे। इसके वसूल करने का क्या कायदा है यह जनाबवाला को मुझ से बेहतर मालूम है, सिविल कोर्ट की रुपये की डिगरी में किसी को कैद नहीं हो सकती, डिगरी इस तरह से जारी नहीं होती। लेकिन यहां पर एरियर्स आफ लैंड रेवेन्यू (भू० राजस्व का बकाया) के तौर पर डेमैजेज वसूल होंगे। १५ दिन का नोटिस दिया, और यह भी जरूरी नहीं है क्योंकि इसमें लिखा हुआ है "मे"। एरियर्स की वसूली में पहली चीज यह होती है कि बुलाया और कैद कर दिया। इस तरह से एरियर्स आफ लैंड रेवेन्यू वसूल करते हैं। यह कायदा पंजाब लैंड रेवेन्यू ऐक्ट का है जो कि यहां पर लागू है। लेकिन जो चीज अटैचमैंट (कुर्की) से सिविल प्रोसीजर में बचा दी गई है, यहां उनको भी नहीं बचाया है। इस भवन में हमने दिल्ली के वास्ते रेन्ट (rent) एक्ट (किराया अधिनियम) बनाया। खुद मालिक मकान को अख्त्यार नहीं है कि वह किसी किरायेदार को बिना वजह निकाल दे, सबलेटिंग भी किसी हद तक हमने जायज कर दिया, सबलेटिंग (अनुभारकन) होती है, छोटे-छोटे कंट्रावशन्स होते हैं, लेकिन मालिक मकान को इतना हक नहीं है कि वह महज नोटिस निकाल दे कि तुम मकान को छोड़ कर चले जाओ। लेकिन यहां पर इतने पर ही इक्तफा नहीं किया गया। यहां तय हुआ कि खुद एकजिक्टिव अफिसर damages तै करेंगे, मैंने पिछली दफा सन् १९५१ में अर्ज किया था कि पहले तो एक जगह का किराया २५० रु० कर दिया, लेकिन जब दरख्वास्त दी गई तो उसी को ८२ रु० कर दिया। मैंने ऐक्चअल (वास्तविक) मिसाल दी थी कि एग्जिक्यूटिव (कार्यपालिका) इस तरह से arbitrarily किराया मुकर्रर करती है

[पंडित ठाकुर दास भार्गव]

इस तरह से एक एग्जिक्यूटिव आफिसर के अख्त्यार में सारे दिल्ली वालों की जान फंसी हुई है। हमारे पास गवाही में यह बात आई कि अजमेरी गेट की स्लम एरिया के ११६२ मकानों म से ७११ मकान गवर्नमेंट ने ले लिये, ४८१ मकान और लेना चाहती है। वहां पर रहने वालों की मुसीबत क्या है कि चाहे जब गवर्नमेंट उनको मकानों से बाहर निकाल दे।

एक्सग्रेशिया पेमेंट (अनुग्रह से पैसा देना) के वास्ते तो सरदार साहब ने ऐश्योरेन्स कमेटी के सामने जो दरख्वास्त दी है उसमें एक नई तजवीज है। पहले तो यह था कि एक्सग्रेशिया पेमेंट मकान को गिराने से पहले दिया जायेगा, लेकिन आज लिखा गया है कि जो डैमेजेज होंगे वह काट लिये जायेंगे। डैमेजेज गवर्नमेंट खुद मुकर्रर करती है, खुद ही उसको वसूल करने वाली है। जनाबवाला, हमने यह कानून इमर्जेन्सी लेजिस्लेशन (आपत्तिकालीन विधान) के तौर पर बनाया था।

श्री वी० चं० शर्मा (होशियारपुर): इस दिक्कत का इलाज भी तो बतलायें।

पंडित ठाकुर दास भार्गव: महन सन् १९४७ में यह इमर्जेन्सी लैजिस्लेशन बनाया था जब यहां पर ८ लाख आदमी आ गये थे कि कैसे लैंडलार्डस के मकानों में से मकान लेकर शरणार्थियों को उसमें रहने की इजाजत दो। हमें नहीं मालूम था कि ८ बरस बाद यह कहा जायेगा कि इस लैजिस्लेशन को बिल्डिंग्स (मकानों) पर भी लगा दो। जरूरत तो यह थी कि ऐसे हालात लाते कि इस को इस्तेमाल करने की जरूरत ही न पड़ती। यह कानून दो बरस के लिये ही १९४७ में बना था और उसमें भी लिखा था कि पब्लिक परपजेज (सार्वजनिक प्रयोजन) के लिये मकानात लिये जा सकेंगे। अब वह पब्लिक परपजेज का सवाल कहां रहा? हमने इतने दिन तक लोगों के फंडामेंटल राइट्स को सलब रक्खा क्योंकि उस वक्त जरूरत थी इमानदारी की बात यह थी जब यह कानून रक्खा तो उसको दो वर्ष से ज्यादा चालू नहीं रखना चाहिये थे। हमारे कृष्ण चंद्र जी एम० पी० कहते हैं कि बिल्डिंग को जोड़ दो। मैं कहता हूं कि हमारे सरदार साहब एक नया बिल लायें जिसमें सारे के सारे अख्त्यार, जो कि इमर्जेन्सी के अख्त्यार थे, वापस लिये जायें। कलकत्ते में या किसी भी दूसरी जगह पर हिन्दुस्तान में म्यूनिसिपैलिटीज (नगरपालिकाओं) को ऐसे अख्त्यार नहीं हैं तब दिल्ली में उनकी क्या जरूरत है? मैंने कल अर्ज किया था, श्री कृष्ण नायर साहब ने रिपीट किया है कि अगर दिल्ली के स्लम्स को दूर करते हैं तो सरकार से रुपया दिया जाये और वहां पर खर्च किया जाये। मैं अर्ज करूंगा कि इस गवर्नमेंट को स्लम एरियाज (गंदीबस्तियां) से किसी को हटाने का कोई हक नहीं है अगर वह ऐसे गरीब आदमियों को जो कि वहां पर बसे हुए हैं; वहां से हटा कर दूर फेंक देना चाहती है। हमने अपना कांस्टिट्यूशन (संविधान) बनाया है, हमको हक है कि हिन्दुस्तान के किसी भी हिस्से में जाकर रहें, तब यह कैसे हो सकता है कि जहां पर हम पुश्तों से रहते हैं वहां से निकाल कर हमको फेंक दिया जाये? यह इन्साफ नहीं है, दरअस्ल इस के माने यह है कि गवर्नमेंट ऐसे अख्त्यार लेना चाहती है जिसमें न हमारे फंडामेंटल राइट महफूज रहें न हमारा कोई हक बाकी रहे। मैंने दस दफा मिनिस्टर साहब से बहेसियत चेयरमेन पूछा, जो कि सेलेक्ट कमेटी में तशरीफ लायी थीं, कि आप जितने आदमियों को निकालेंगे उनमें से कितनों को बसा देंगे? लेकिन कोई जबाब नहीं मिला मैं चाहता हूं कि जिस स्लम एरिया को आप उजाड़तें हैं, उसमें से एक एक आदमी को वहीं बसाया जाये। जो स्लम एरियाज में रहते और अपनी रोजी कमाते हैं अगर आप उनको उजाड़ते हैं तो बता दीजिये जहां पर वह अपनी

रोजी तो कमा सकें । अगर आप कों स्लम क्लिअरेंस करना है तो सीधा उसूल है कि ऐसा एक आदमी भी नहीं होना चाहिये जिसको आप निकाल दें और उसको रोजी कमाने का जरिया न दें । अगर आप को इसी तरह से रिहैबिलिटेशन (पुनर्वास) करना है जैस कि आप कर रहे हैं, तो यह इंसाफ की चीज नहीं है । आज कोई नहीं चाहता है कि वह स्लम एरिया में रहे, लेकिन उसको जिन्दगी चलाने का जरिया भी तो मिले । दरअसल बात यह है कि हमारे यहां हिन्दी में एक मसल मशहूर है कि ठाढा मारे और रोने न दे । यह गजब देखिये कि उन लोगों को तकलीफ भी देते हैं और रोने की इजाजत भी नहीं देते । सर्टिफिकेट हमारे मिनिस्टर साहब ने दे दिया, हमारी राजकुमारी साहबा ने दे दिया कि गवर्नमेंट ने बड़ा अच्छा काम किया । लेकिन किसी ने यह नहीं देखा कि जो शरणार्थी रोते फिरते हैं, जो इतने दुखी हैं, जिनके दिल में दर्द है, उनका क्या हाल है । ४०,४० हजार के मकान एक रात में गिरा कर जमीन के बराबर कर दिये गय और किसी की आंख में आंसू भी नहीं आया । मैं अर्ज करता हूं कि यह तरीका नहीं है राहत पहुंचाने का, यह तरीका नहीं है लोगों को बसने देने का । दरअस्ल यह वह तरीका नहीं है जिसके जरिये आप कहते हैं कि रामराज्य आये । सिविल लिबर्टीज (नागरिक स्वतन्त्रता) को अगर रेस्टोर करना है तो इस ब्लैक ऐक्ट को हटा दीजिये । मैं समझता हूं कि इस कानून को आपने नाजायज तौर पर इस्तेमाल किया है जो कि हमारे कांस्टिट्यूशन के खिलाफ है । जो हालात हमारे सामने आये हैं । उनको देखते हुए मैं कह सकता हूं कि इस बिल को मुल्क हर्गिज नहीं चाहता है । मैं अपने कांशिएन्स के बखिलाफ करूंगा अगर मैं सारे हाउस से यह न कहूं कि इस बिल को मंजूर नहीं करना चाहियें ।

1 P.M.

Shri Feroze Gandhi (Pratapgarh Distt.—West *cum* Rae Bareli Distt.—East): I do not want to speak. I just want to have a clarification with regard to the assurance given by the Minister for Works, Housing and Supply which is given on Page 19 of the Select Committee's report, with regard to the setting up of an advisory board. I would like to know what power the advisory board will have and what the composition of this board will be and whether the decision of this board will be binding on the Improvement Trust or not. I would like to know this because this is a very important thing. This assurance has been given by the hon. Minister to the Select Committee and he has repeated it on the floor of the House. I would like to know what sort of a board this is going to be, whether this board is going to have the power to impose its decision on the Improvement Trust, or it is just going to be an advisory board.

The Minister of Health (Rajkumari Amrit Kaur): In the first place I would just like to reply to what the hon. Member Shri Feroze Gandhi has said. Obviously an advisory body cannot be a body whose decisions would be binding on the Trust, but I have no doubt that when I ask Members of Parliament to form an advisory board—really the Improvement Trust is almost in a sense not even functioning today because it is the Delhi Development Provisional Authority that is functioning, and when the bigger authority comes the Improvement Trust will be merged in it—I have the hope that in regard to the removal of people from any area, their advice will be considered with the consideration that it merits and that there will always be a compromise or an agreed solution arrived at. I am a great believer in the building up of traditions and in believing in Government's assurances, but if I have to tie the hands of whatever executive body there is that it cannot move unless the advisory board's advice *in toto* is accepted, that is not a position that Government could possibly take.

Shri Feroze Gandhi: What will be the composition of the board, who will be the members?

Rajkumari Amrit Kaur: I myself was going to ask Members of Parliament. I have not thought in detail about it. I can name three or four even now. I thought I might have five Members of this House. Three Members of this House are already on the Delhi Development Authority and I could have three more Members who can come and advise us, if that is acceptable to the House, or if you would like five, I am prepared to have five on this particular advisory board. I have no doubt that the Development Authority will listen with the utmost consideration to all their views. They can go round with you, see the areas and plan out things in consultation with you.

Shri Feroze Gandhi: Will there be only Members of Parliament on the advisory board? Nobody else?

Rajkumari Amrit Kaur: There again I was saying it should be an advisory body of the Members, but I am perfectly willing to have even non-Members on the board. I will be guided by whatever the Members of this House say.

Mr. Speaker: It is not that the hon. Member wanted to say that others must be there.

Shri Feroze Gandhi: I do not want to say that. I only wanted to know the hon. Minister's mind. There was no suggestion.

Rajkumari Amrit Kaur: In my mind I only thought that because I was giving an assurance on the floor of the House it should be Members of this House who are interested in this question, but if the Members of this House would care to suggest to me at any time that we should have some others from the citizens of Delhi, I have no objection. Already Shri C. K. Nair, Shrimati Subhadra Joshi and Shri Naval Prabhakar are there and I thought if Shri Feroze Gandhi himself came and two other Members, I would.....

Pandit Thakur Das Bhargava: May I know if there is an advisory board already existing?

Rajkumari Amrit Kaur: They are on the Delhi Development Authority.

Pandit Thakur Das Bhargava: We are not asking about the Delhi Development Authority. We are asking about the advisory body about which assurance has been given by the hon. Minister of Works, Housing and Supply with regard to this Improvement Trust. She is speaking of another authority.

Mr. Speaker: I understood the hon. Minister to say that at every stage in every institution there is representation and she is willing to have five Members of Parliament as members of this advisory body

Shri Feroze Gandhi: It has been made clear that the decisions of this advisory body will not be binding on the Improvement Trust.

Shrimati Sushama Sen (Bhagalpur South): What is the use of it then?

Shri Feroze Gandhi: It is only advisory. That is the position that we want to understand.

Shri C. K. Nair: Is a mere assurance sufficient to empower the advisory body to make their opinion accepted by the Authority? That is the point

Mr. Speaker: Then it ceases to be an advisory body. The hon. Member wants to tell the House if it is an advisory body, then it advises. It must be up to the Government to accept or not to accept

Pandit Thakur Das Bhargava: This is the principle that 99 per cent. of such advice is accepted because it is a statutory body.

Mr. Speaker: That is what will be done, but if you ask the Government to commit itself and to say it must be binding, it ceases to be an advisory body. Though technically and by convention almost everything

that is advised or every advice is taken and ought to be adopted and wherever the Government has got a difference of opinion, they may put it up once again to them so that there may be unanimity, still there might be cases where it cannot be accepted. That is their idea.

The hon. Minister may go on.

Shri C. K. Nair: Will it be a statutory body?

Mr. Speaker: It is not included in the statute.

Rajkumari Amrit Kaur: I want to contradict what Pandit Thakur Das Bhargava has said that I did not reply to any of the points he raised yesterday. I replied to all of them and proved, I hope to the satisfaction of the Members of this House if not to his satisfaction, that all the allegations that he had made were in correct. Only this morning Shri Feroze Gandhi took objection to a remark that one of the Deputy Ministers of Government had made with regard to a particular Member. I wish now to take strong objection to the remark that has been made by Pandit Thakur Das Bhargava. He has said:

I take strong objection to it. Do you understand what it means, Sir?

An Hon. Member: What is the word?

The Minister of Defence Organisation (Shri Tyagi): It is a proverb.

Rajkumari Amrit Kaur: I do not care if it is a proverb or what it is. I say that it is a most objectionable remark. I take strong objecton to it and this is the point raised by Shri Gandhi this morning. I have listened on more than one occasion to many things that have been said, unkind remarks, unmerited remarks that have been made against me on the floor of this House, but I have never used language such as this against any of the Members. I have far too much dignity and I treat even a remark like the one I refer to with the contempt that it deserves, but I think that is should brought to your notice.

I have replied to every allegation against the Improvement Trust that has been made and I have got proof here to show that what has been said is wrong. I have said that as far as sympathy with the refugees is concerned, perhaps no one has greater sympathy in his heart than I have, having seen them in their distress and helped them. And I am not going to do anything in the future either that is going to cause them harassment. My friend opposite asked: "Is Delhi going to be a city of palaces and going to be only for the rich people?" No place in India can be for rich people. Rich people are a handful, and there is no plan here that wants to send away the poor people from places where they are living and not to rehabilitate them, but where there is overcrowding, where 10,000 people are living and only 5,000 are supposed to live, then naturally those persons have to be removed, and we always make it a point to remove them to places where it is possible for them to earn their living, get employment and live in much happier conditions than those in which they are living today.

I do not want to say anything more because I have said everything that is possible to be said in my reply yesterday.

Mr. Speaker: I am sorry, I have not been able to follow the statement made about aurat. I do not know the implication of it because I am not conversant with the language. But I find this tendency, which I strongly condemn; no difference ought to be made on the ground of sex. Referring to a woman or a man and saying that a woman is always that way, or that a man is always that way, is not right. And I found even the Deputy Minister referred to the lady Member. Now, an hon. Member of importance and long standing refers to aurat. Both men and women are equally competent to manage the administration.

[Mr. Speaker]

The President can be an aurat. Under these circumstances, to distinguish on the ground of sex and say it is a disqualification and refer to it on the floor of the House, is not proper.

Pandit Thakur Das Bhargava: May I just say this, because you said that you were not conversant with the language? I only said:

औरत हाकिम गज़ब खुदा।

Mr. Speaker: What does it mean?

Pandit Thakur Das Bhargava: It only means that if a woman is an administrator, then, well, she does not administer like a man; she administers, perhaps, as if there was a terror of God. That only means that she has no mercy and is very stern and observes the rules in all sternness, whereas a man would not do so. Is it wrong?

Rajkumari Amrit Kaur: The interpretation of that is that if a woman is an administrator, God help those people, it is the curse of God. His interpretation is not right.

Mr. Speaker: With all respect, I do not approve of the statement. I find that all over, the reference is in derision—that if a woman is an administrator, God save us or that she will administer the rules and regulations with a stony heart and so on. I appeal to all hon. Members in this Parliament, and I hope it will be heard all over the country, that no reference shall be made to any person merely on the ground of sex, either one way or the other. I think hereafter, whatever might be the beauty of a proverb and however tempting it may be to use it, care shall be taken not to use such proverbs in future.

So far as this matter is concerned, I hope and trust that nothing is meant. If the hon. Minister thinks that it ought not to find a place, I shall have no objection to ask that that portion need not appear in the record.

Hereafter, proverbs relating to the peculiarities of women, particularly about their conduct or harshness or anything, shall not be quoted in the House. And I won't be taken napping. Unfortunately, I was not able to understand the meaning of this. This creates a lot of trouble.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes) *rose.*—

Mr. Speaker: Enough has been said so far as the Third Reading is concerned. I will now call upon the Minister, Sardar Swaran Singh.

The Minister of works, Housing and Supply (Sardar Swaran Singh): At this stage of the Bill I do not propose to take much of the valuable time of this honourable House.

The observations that were made by Shri Basu about the general principles of slum clearance are unexceptionable and whenever any slum clearance scheme is formulated, I am sure adequate steps will be taken to ensure that slum evictees are not put to any hardship. Objection has been raised that this perhaps is too general a statement and that something more specific should be said with regard to the actual handing of the slum evictees. I am sure that a comprehensive legislation will have to be undertaken to create an Authority which deals with slums. Power will also have to be given to that Authority to clear the slums after making provision for alternative accommodation. Principles will have to be settled for working out any compensation that might be due either to the owners of the structures or to the owners of the land upon which those structures are situated. Already the amendment in the Constitution does provide for fixing a scale of compensation with regard to slums, which need not be at the market value, and the courts will not go behind that. It is the intention of Government to undertake comprehensive legislation which will lay down all those principles.

It is an exaggerated statement for Shri Basu to make and to paint the picture that the way we are handling

this problem is taking us towards making Delhi a city of palaces and that the poor people will not have any place in it. That, I submit, is not a very fair criticism so far as Government's schemes and the various slum clearance or slum improvement schemes are schemes about the general settlement of the general layout and the master plan are concerned. I would like to remind this honourable House that a very large number of residential units have been put up for people who cannot be described as rich. The large number of government quarters for Class IV employees, for clerks and for low-paid staff, the large number of refugee tenements that have been built in the city, the housing that has been undertaken by the Improvement Trust, all those activities in this field of construction clearly show that the intention is not to give any particular type of turn to the general appearance of the City of Delhi, except the natural desire to see that the lot of those people who are in difficulty and who live in sub-human conditions, in filthy surroundings, in unhygienic conditions should be improved That is the sole desire. Somehow or other my hon. friend Shri Basu appears to be very much obsessed about foreign reactions. We always do take care of all foreign reactions, and it is not an undesirable feature that we should take pride that anybody who comes to Delhi or, for the matter of that, to any other city should have a feeling that the place is neat and clean. Is the hon. Member seriously suggesting that we should take care to ensure that any man who comes from abroad should always see that the things are very filthy and they are not hygienic and the layout is not good?

Shri K. K. Basu: Oh yes!

Sardar Swaran Singh: My submission is that perhaps his own susceptibility to those foreign influences one way or the other is partly responsible for accusing the Government that we are doing all this work of improvement of the city only to make it as a show-piece for foreigners. If the foreigners like it after the improvement, I will be happy. But my principle desire is to bring some comfort and some solace to the unfortunate people who are suffering.

Shri M. S. Gurupadaswamy (Mysore): We accuse both, both the Government and foreigners.

Sardar Swaran Singh: I submit that the essential basis for any slum clearance scheme will consist of adequate re-housing, principally at the place wherever the slum is removed. If all those slum evictees cannot be re-housed there, and the place does not fit in with the general master plan which might be approved of after due consideration, then adequate provision should be made for rehousing them at another appropriate place; and that also should be undertaken in such a manner that the minimum hardship is caused to those evictees. This, I am sure, will be the general principle that will have to be followed in implementing any slum clearance scheme.

Shri C. K. Nair: Will this principle be accepted in the master plan that, as far as possible, the local people should be accommodated first, and if there is an excess they may be sent out?

Sardar Swaran Singh: I think so far as the details of the master plan are concerned, this will be before the general public and I am sure the Members of Parliament will also like to look at it. So, instead of discussing it in theory, it will be much better that we have a look at the plan and then make suggestions which could really be implemented.

Then again, the suggestion had been made by more than one Member that the re-housing scheme in relation to a slum clearance project will have to be subsidised. That is a principle which the Government have accepted. But there is always a limit to the quantum of subsidy. That limit really decides the limitations which have

[Sardar Swaran Singh]

to be adhered to, and within which we have to work, in order to undertake re-housing schemes, to determine the size of the houses, whether they should be multi-storeyed or not, to determine the availability of services and so on. All those considerations are naturally reflected in the rentals that will work out.

I may straightway say that slum clearance schemes will necessarily involve a certain quantum of subsidy. Government have already accepted that principle. Schemes have been circularised to the various States, specific projects have been invited, suggestions have been asked for, and they have been asked to submit concrete schemes in answer to that letter which has gone out, where the broad lines of the slum clearance scheme, the quantum of subsidy that could be made available, the quantum of financial assistance by way of loan that could be given, etc., are clarified. I took opportunity on an earlier occasion to place a copy of that circular on the Table of the Sabha.

With regard to the suggestions made by Shri C. K. Nair, namely, that there should be a master plan, and that there should be a bigger authority which should be invested with powers to deal with this question in a comprehensive manner, a reply has already been given by my colleague the Health Minister. She has already told the House that a master plan is nearing completion; it will be placed before the public and before the Members of Parliament; they can then examine it, and whatever suggestions they make will receive the consideration that they deserve.

Shri Kamath (Hoshangabad): It is only an interim plan, and not the final one. Interim master plan, isn't it?

Shri K. K. Basu: No permanent masters.

Sardar Swaran Singh: My hon. friend is fond of permanent masters. We are prepared to become permanent masters.

My submission is that it will be interim in the sense that when ultimately the details are worked out, it will be a much more comprehensive thing, giving details of all the little bits. But this plan is interim in the sense that it gives the broad lay-out, the direction in which development will take place, etc., and it gives the broad picture; it is interim not in the sense that it is liable to be changed later, but in the sense that details may be filled in later, within the broader framework that will be forthcoming.

With regard to the constitution of a permanent authority, I may assure that this matter is already engaging the attention of Government. The very name 'Delhi Development Provisional Authority' does indicate that there will be a full-fledged authority which will replace the Provisional Authority. Something had to be done, because haphazard growth was taking place all over the city, and this Provisional Authority was constituted with a view to arrest this haphazard growth, and to give some shape and lay down some method for building activity. I am sure that a comprehensive Bill will be brought forward. If the reaction of the hon. Members of this House is one of repulsiveness to the nomenclature 'Improvement Trust', then the Delhi Development Authority, which, I think, will take within its wings and within its authority all the functions of the Improvement Trust, will be called an Authority, and hon. Members will have ample time, when the necessary legislation is undertaken, to make suggestions; and I am sure that they will receive full consideration at the hands of Government.

Shri C. K. Nair: With new blood also.

Sardar Swaran Singh: I could not hear.

Shri Nand Lal Sharma (Sikar): Life-blood.

Sardar Swaran Singh: What a big name my hon. friend Shri Nand Lal Sharma has used.

The work is of a tedious and labourious character. It is not very pleasant either, except that the ultimate objective towards which we are working is really good and noble. But it does involve a lot of detailed work. Individual interests clash here with the bigger interests of the community at large. To find some sort of balance by which the individual interests may be reconciled, and the individual hardships and difficulties may be minimised, and the bigger objective of overall improvement may also be achieved, is something which has to be laboriously worked for, and cannot be done merely by catch phrases or strong language but only by examining the details, by looking into the difficulties, by appreciating the handicaps and then by working out, within that broad framework, the details which are necessary in a matter of this nature.

Actually, in theory, there is seldom any conflict. It is only when that theory is actually translated into practice and into actual blue-prints, that all these troubles arise, and it is really at this stage that very consistent, laborious and hard work is necessary to produce results.

My hon. friend Pandit Thakur Das Bhargava had complained that the points that he had raised had not all been answered. The reply has already been given by the Health Minister. It is true that the speeches that we delivered in reply were not of the length of the speech of my hon. friend Pandit Thakur Das Bhargava. Maybe, we on this side lack his gift of elaborating, points, and making very comprehensive speeches. But we thought that we were doing our duty squarely by noting down the salient points that had been raised, and in our own humble way, by trying to give Government's view, or explaining Government's position with regard to them.

I shall again try to recapitulate and find out whether I have been really guilty. After strong introspection, I have come to the conclusion that his speech, if analysed, comes only to this, namely that assurances had been given, which assurances have not been complied with, and on which, in spite of the fact that the Committee on Assurances had made a report about them, Government have not taken any action. The rest of his speech consists only of illustrations and instances in support of this broad proposition that he was trying to develop.

I said in the course of my reply that we have given our version, in respect of the case that has been made out by the Committee on Assurances. That has already been placed on the Table of the House. The Committee on Assurances have asked for further clarification. We are making an effort to collect that information, and we shall pass it on to the committee, and then, I repeat, we shall either convince them or be convinced by them.

I thought that instead of using the indulgence which you so kindly gave us, if we could sort out the differences in a spirit of solving them rather than score a debating-point by trying to controvert every little thing, that might be a better method of solving the difficulties. And we chose the path of not indulging in a purely dialectical exercise by trying to controvert every little thing that was raised by my esteemed, friend, by these arguments and that argument.

The essential parts of these assurances are as follows: The first was about *ex-gratia* payment. As for that, my esteemed friend himself has admitted that a letter has now been issued by the Health Ministry, although this was a belated thing.

Then with regard to the principle of charging for land on a no-profit-no-loss basis, I do not know if my esteemed friend has seen the letter that has been issued by the Health Ministry, fixing the scale of compensation that is chargeable and which is to form the basis of charging the price.

Pandit Thakur Das Bhargava: I have seen all this.

Sardar Swaran Singh: If my hon. friend has seen all this, then so far as the assurances part is concerned, I could not do better than repeat what is contained there.

Pandit Thakur Das Bhargava: The Assurances Committee had said that ti should be given on a on-profit-not-loss basis. But you charged Rs. 30 per yard as the market value in some places.

Sardar Swaran Singh: I do not know wherefrom my hon. friend got this figure of Rs. 30 per yard....

Pandit Thakur Das Bhargava: From the documents supplied to us.

Sardar Swaran Singh: ....for residential purposes

Pandit Thakur Das Bhargava: For commercial purposes.

Sardar Swaran Singh: For residential purposes, it varies from Rs. 11 to Rs. 12-10 and for commercial purposes, it varies from Rs. 21 to Rs. 33. The market value in all these areas would be to the tune of anywhere from Rs. 50 to Rs. 70 in the residential areas and anywhere from Rs. 50 to Rs. 150 for the commercial areas.

It may be that the concession does not come up to his expectation, but to say that no action has been taken is something which perhaps does not represent a correct picture.

I would therefore, submit that so far as this Bill is concerned, we have discussed it at very great length. All these points which have been raised will be surely kept in view in implementing this Bill.

Shri M. K. Moitra (Calcutta-North West): On a point of information, will the Minister be pleased to give an assurance that the Advisory Committee will be consulted before eviction notict are issued?

Sardar Swaran Singh: I think that that is a matter really of detailed administration. Actually, the Health Ministry will work out the details of the constitution and the way they function. But I would hesitate to be a member of any advisory committee where I am called upon to perform executive functions. Either I am a member of the Board itself, or, if I am in an advisory capacity, I won't take the responsibility of actual execution of the various schemes. I feel that the issuing of eviction notice is very much an executive function. It may be that boardly the scheme is settled, that this is the re-housing scheme and they take the advice and all that. After that, so far as issuing of eviction notice in each individual case is concerned, whether it is 10 days or 15 days and what is going to happen and all that, these are matters of detail. I would hesitate to become a member in an advisory capacity of such a body which is given executive functions. Either I be on the Board or if the Committee is advisory, I will advise on policy matters but not on details of administration.

Mr. Speaker: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

STATE FINANCIAL CORPORATIONS (AMENDMENTS) BILL

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to move*:

"That the Bill, further to amend the State Financial Corporations Act, 1951, be taken into consideration".

The State Financial Corporations Act was passed in 1951 in order to enable State Governments to establish Financial Corporations for providing long-term credit to small-scale and medium-scale industries. Since then, 13 State Financial Corporations have

*Moved with the recommendation of the President.

been established. Some of them have been in working for three years, some only for just a few months. I think the last of them was established in Orissa in March 1956. Their total authorised capital is about Rs. 25 crores, but the issued and subscribed capital is just a little over Rs. 10 crores, out of which State Governments have taken Rs. 33 crores, the Reserve Bank has taken Rs. 1·70 crores, scheduled banks, insurance companies and other investing institutions have taken Rs. 3·72 crores and others, that is, some private parties, have taken Rs. 0·53 crores. In all, the total subscribed capital is a little over Rs. 10 crores.

As I have stated, these Corporations are intended to cater loan for the small-scale and medium-scale industries. The House is aware that the Second Five Year Plan has four main objectives: rapid industrialisation, increase in national income, creation of more employment and removal of disparity of income and wealth. In spite of the fact that basic and big industries will surely be of much help for rapid industrialisation, I think the House will agree that small-scale and medium-scale industries also have their role to play in the industrialisation of the country Moreover, for the last two objectives, that is creating more employment and removing disparity of income, I think small-scale and medium-scale industries are more suited. That is why the Planning Commission has given some special importance to these industries, and it is quite appropriate that Government should come before this House to amend the State Financial Corporations Act so that these Corporations may do their little bit in helping the small-scale and medium-scale industries.

For helping big industries, we have got the Industrial Finance Corporation, the National Industrial Development Corpotion and also the Industrial Credit and Investment Corporation. But so far as the small-scale and medium-scale industries are concerned, only the State Financial Corporation in the particular State is somewhat in a position to help them. So long the State Governments have been giving some help to them through the State Aid to Industries Act. But I think every Member, who is conversant with the working of that Act in his or her respective State, will agree, that this Act has not been able to give much help in this respect. Apparently, the State Government, by itself, is not the proper machinery to render help,—financial aid and loans to industries. For this purpose, some specialised institutions are to be set up and the State Financial Corporations as specialised agents are better suited to render help to the small-scale and medium-scale industries.

I think the House will agree that between the big institutions, the Industrial Finance Corporation, the National Industrial Development Corporation or the ICIC, and the, State Financial Corporation there is hardly any risk of overlapping. The Industrial Finance Corporation does not give any loan less than Rs. 10 lakhs which is just the maximum for the State Financial Corporation, the latter do not give any loan of more than Rs. 10 lakhs—I think they give loan even up to as low an amount as Rs. 10,000 or Rs. 20,000. So there is no conflict or overlapping in the operations of the Industrial Finance Corporation and the State Financial Corporations or the other two bodies mentioned previously. Their scope is more bigger and wider still.

Shri K. K. Basu (Diamond Harbour): Can the same national industry get Rs. 1 lakhs from one and Rs. 10 lakhs from another?

Shri A. C. Guha: They will not get any thing less than Rs. 10 lakhs from the Industrial Finance Corporation. I think the limit for the one is Rs. 10 lakhs and for the other more than that. So there cannot be any overlapping.

Shri K. K. Basu: Suppose a sugar concern having a capital of Rs. 50

[Shri K. K. Basu]

lakhs gets Rs. 10 lakhs from the All-India Industrial Finance Corporation and Rs. 1 lakhs for its runnng capital from the State Corporation, can there be such a thing?

Shri A. C. Guha: I do not think there will be any such case.

Shri K. K. Basu: But, it is legally possible.

Shri A. C. Guha: For the Industrial Finance Corporation, there is not legal ban; but there is a policy that it should not give any thing less than Rs. 10 lakhs.

These small-scale and medium-scale industries are spread over the whole of India in its different parts. In the Centre, we have just started under the Commerce and Industry Ministry an organisation called the Samll Scale Industries Corporation. That also is to help the small-scale industries. As far as I know, its sphere of activities is altogether of a different nature from the sphere of activities of the State Financial Corporations. Moreover, as I have said, these small-scale and medium-scale industries are spread over all the different parts of the country and it is not possible for a Central organisation, like the Small Scale Industries Corporation to render appropriate aid to all these small-scale industries in different parts of the country. That is why the State Financial Corporations would be of much use and more suited to help the small-scale and medium-scale industries.

I have stated that some of these Corporations have been working for the last three years. I think the first was started in February 1953 and the last in March 1956. I cannot claim that the working of these Corporations during these two or three years has been very much satisfactory. I cannot say that they have been able to render any substantial financial help to small-scale and medium-scale industries.

Shri Achuthan (Crangannur): May we know what amount has been disbursed by them till now for small-scale industries?

Shri A. C. Guha: I think, a little over Rs. 2 crores.

This failure of these Corporations to render adequate financial aid is, to some extent, due to the provisions of the Act and to some extent also to the structure and nature of the small-scale industries. They are not so well organised and they have not got the appropriate machinery to approach the Corporations for the aid or to be process its needs and applications in a suitable manner. All these have to be looked into carefully. As far as the defects in the provisions of the Act are concerned, we are coming before the House for amending the Act so that these Corporations may render the service that is expected of them in helping the small-scale industries.

About two years ago, this matter came before the attention of the Reserve Bank. I hope the Members will recollect that on a number of occasions questions have been put in this House about the working of these Corporations and the House expressed on many occasions its dissatisfaction about the working of these Corporations. So, the whole matter was taken up by the Reserve Bank. It convened a conference of the representatives of the different State Financial Corporations and certain recommendations were made there. The main function that the Reserve Bank has been performing is to help these State Financial Corporations and to arrange a sort of co-ordination. Though there is no such provision as yet in the Act, all these Corporations voluntarily agreed to have some periodical inspection by the Reserve Bank so that the defects in their working may be examined by the Reserve Bank and rectified. The different State Governments also welcomed this intervention by the Reserve Bank in this matter. This will just show that all these Corporations as well as the different State Governments were really eager that these Corporations

may perform their assigned duty in a proper manner.

I think these are the main features of the background. I think I should now say something about the different provisions of the Bill. In clause 2, we have tried to widen the scope of the activities of the State Financial Corporations. The term 'processing of goods' appeared to be somewhat ambiguous and it was not sure what industry would come under this definition directly. So, now, we are giving a wider definition so that the State Financial Corporations may know which of the industries would be legally entitled to get help from those Corporations. I hope the removal of this handicap on the working of the State Financial Corporations would help them much in widening their financial activities and also help the different industries in getting the necessary aid from the Corporations.

1-48 P.M.

[MR. DEPUTY-SPEAKER *in the Chair*]

In clause 4 we have provided for a joint Corporation for more than one State. I recollect at least on two or three occasions questions were asked about the State Financial Corporation of the Delhi State. I had to reply then that it was not possible for the Delhi State to maintain a separate State Financial Corporation of its own and so the proposal was to enable the Delhi State and the Punjab State to have a combined or joint State Financial Corporation. We were waiting for a more comprehensive amendment of this Act; and we are now providing that more than one State may combine in forming a joint State Financial Corporation.

In clause 24 of this Bill there is also a similar provision that a State may join a Corporation already existing in another State and thus have a joint Financial Corporation.

Clauses 4 and 24 may be taken together because they provide the same facilities for the States to have joint Financial Corporations.

Clause 6 provides facilities for the State Financial Corporations for borrowing money from the Reserve Bank. Besides the subscribed share capital, there is also provision in the Act for the State Financial Corporations to raise further capital by issuing and sale of bonds and debentures and also by accepting deposits from the public. Issue of further capital as also raising money by sale of bonds and debentures would mean a permanent liability on the State Financial Corporations either to give dividend or to give interest. But it may happen that a particular State Financial Corporation may require a short-term loan for meeting some emergency. So, it has been provided here, but in such cases, the State Financial Corporation would be entitled to take short-term loan from the Reserve Bank for a period not exceeding 90 days. These borrowings are, of course, to be against the securities of the Central or State Governments.

Shri K. K. Basu: The purpose of the State Corporation is to give long-term loans; but how will this arrangement serve the purpose if this help is given only for 90 days?

Shri A. C. Guha: This is just to provide for an emergency. As yet there has not been any such emergency, but it is better, I think, to provide for such emergency. A State Financial Corporation may have to give some loan and in that particular period it might not have got the money and it might not be so easy to raise fresh capital or raise money by issuing and selling bonds and debentures. For that particular period it may be necessary for the State Financial Corporation to get a loan, and subsequently to raise money by issuing fresh capital or by selling bonds and debentures.

Pandit Thakur Das Bhargava (Gurgaon): Why against securities only of the Central or State Governments? Why not otherwise? They are quite reliable.

Shri A. C. Guha: I think the Reserve Bank also should have some security. The securities of the Government which is the guardian of these corporations may be better securities.

Clause 7 is not of much importance; it is only a matter of minor importance. The State Government can nominate three directors on the Board of the State Financial Corporation, but when there will be a joint Financial Corporation, the number of nominated directors on the Board will be limited to two, that is, not more than two.

Clause 9 is somewhat important. According to the Act, the managing director is appointed for four years, but it may happen that a managing director has to be removed before the expiry of his term. A similar case happened and I think hon. Members will recollect the case of the Industrial Finance Corporation—Shri Lanka Sundaram will recollect it surely.....

Dr. Lanka Sundaram (Visakhapatnam): Those were the days when you were on this side.

Shri A. C. Guha: Even if I be on this side, Dr. Lanka Sundaram was thundering from there. Anyhow, I might have started the game, and he has to give it the finishing hush. It has been provided that whenever necessary, Government may remove the managing director even before the expiry of the four-year term, but he will, of course, be given the opportunity to give his explanation to the charges levelled against him.

Clause 12 is also somewhat important. It has two sub-clauses. Sub-clause (a) relates to giving the State Financial Corporations agency functions on behalf of the Central Government, State Government and the Industrial Finance Corporation. I think my hon. friends will realise that it is not so easy for the Central Government or the Industrial Finance Corporation to render any financial help in distant places, and it is better to have some agency in this respect to process it and look after it; and some after-care also is necessary. All these things could better be given to the State Financial Corporation who will have more direct contact with the local matters and local personalities. I hope the House will also appreciate the provisions contained in sub-clause (b). These provisions entitle not only the small-scale industries but also the cottage industries to get accommodation from the State Financial Corporation. The provision is that any loan to be taken from the State Financial Corporation as also from the Industrial Finance Corporation will be against some recognised security. But here we are providing that on the guarantee of the State Government or of a scheduled bank or of a co-operative bank, loan may be given to small industries and even cottage industries, which may not be in a position to give a regular guarantee or security for the loan. This is particularly intended to help not only the small-scale industries but even the cottage industries.

Shri S. V. Ramaswamy (Salem): What is the minimum amount of loan that they can get?

Shri A. C. Guha: They can get down to Rs. 10,000. Giving loans to small-scale and cottage industries would involve some risk on the part of the State Financial Corporation.

Pandit Thakur Das Bhargava: What is the rate of interest if we advance money to cottage industries?

Shri A. C. Guha: That will depend upon the State Financial Corporation concerned. I think the hon. Member may influence his Punjab State Financial Corporation to charge lower rate.

Pandit Thakur Das Bhargava: If the guarantee is to be given, those who give guarantee shall also charge, and so it will be prohibitive.

Shri A. C. Guha: May not be. I do not think the State Government will charge anything.

Shri K. K. Basu: Banks will.

Shri A. C. Guha: Banks may charge. The normal rates of interest charged by the State Financial Corporation is about 6¼ per cent.

Dr. Lanka Sundaram: What are your intentions in this matter in respect of the cottage industries?

Shri A. C. Guha: The State Financial Corporation may also render help to the cottage industries, but the State Financial Corporation will also have to look after the safety of its own fund and yet will have to take some risk. That risk will be counterbalanced by the guarantee by the State Government or the scheduled bank.

Dr. Lanka Sundaram: There is a little confusion here. We are not talking about removing securities for the loans given. What is the rate at which you propose to lend? Will it be lower than the current bank rate or is there any rate available for you?

Shri A. C. Guha: If it is 6¼ per cent, surely it is lower than the rate at which a small-scale industry or a cottage industry can get loans from the banks. There is no provision in the Act. That will be surely left to the different Corporations to decide.

Pandit Thakur Das Bhargava: If you require scheduled banks' guarantee, then the banks are also bound to charge something from those people, and so the rate will be prohibitive.

Shri A. C. Guha: I think he can make his points in the clause by clause consideration of the Bill.

Mr. Deputy-Speaker: I would also request the hon. Members to reserve their remarks till their speeches. There have been sufficient questions put.

Dr. Lanka Sundaram: We want to have a complete picture of the mind of the Government.

Mr. Deputy-Speaker: Let not the House be converted into a Committee.

Shri A. C. Guha: Clause 21 provides for the inspection of these Corporations by the Reserve Bank. I have already stated that these Corporations have voluntarily agreed to have inspections by the Reserve Bank, and the relevant State Governments also have agreed, and have rather welcomed this inspection by the Reserve Bank.

It is felt that there should be some provision in the Act so that the Reserve Bank may have some statutory right to inspect the working of the different Financial Corporations. They will submit their report to the Central Government as also to the State Governments and whatever steps are to be taken will be decided in consultation with the Central Government and the Reserve Bank. This I consider to be a very important provision as this will help in coordinating the activities of the different Corporations and will lead to some uniformity of rates, etc. Of course, there must be some difference according to the areas and the availability of funds and the investment possibilities of the Corporation.

2 P.M.

The other clauses are more or less of a procedural and drafting nature. There are some clauses which provide for the management of the industrial concerns to be taken over by the Industrial Finance Corporation. As in the case of the Industrial Finance Corporation, we have provided for an industrial concern to be taken over by the State Financial Corporation for the failure of the concern to redeem its loan. Then there must be some arrangement for running, or disposing of that industrial concern. There are some clauses to that effect and they are more or less of a procedural and drafting nature.

[Shri A. C. Guha]

I hope I have placed before the House the main features of this measure and I hope the House will accept it.

Shri K. K. Basu: I would suggest that we should get some more facts. The hon. Minister has supplied us a statement showing the loans given, but the number of loans advanced and the units to which they were given has not been given. For instance it is said that the textile industry was given Rs. 14 lakhs as loan. It may be that the major portion of this loan may have gone to one concern. Unless we know these details how can we judge to what extent the Financial Corporations have fulfilled the functions for which they were intended.

Shri A. C. Guha: Ten copies of a big report on the working of the State Financial Corporations have been placed in the library.

Shri K. K. Basu: I have seen it. The unfortunate part of it is that you have lumped the information together. Moreover, information is given only industry-wise. For instance it is said that textile mills were given a loan of Rs. 20 lakhs. We do not know among how many concerns this loan was distributed. Supposing a single mill were to get Rs. 18 lakhs out of Rs. 20 lakhs. Our main object is to help the small concerns. According to the legal provisions, the Reserve Bank gets a report; but it is very difficult to know how exactly this has functioned.

Shri Bansal (Jhajjar-Rewari): I strongly support what my hon. friend Shri Basu has said. In fact, this Act was passed in this House in 1951. Since then as many as thirteen State Financial Corporations have come into being. But so far we do not have information in regard to even one State Financial Corporation as to how it has functioned. There is, of course, no provision in the Act that the report should be placed before the House. But I submit for your consideration that when we are asked to pass an amending Bill in the light of the experience gained so far, the hon. Minister owes it to this House to give us the detailed annual reports on the working of these Financial Corporations, so that we may assess as to how these Corporations have functioned and decide whether the amendments which are being made are reasonable or not reasonable. In the absence of this information, I do not think this House should be asked to proceed with this far-reaching amending Bill. I suggest for your consideration that you may postpone consideration of this Bill unless it is the intention of the hon. the Finance Minister to make a farce out of this amending Bill.

Mr. Deputy-Speaker: We cannot postpone it before the Consideration Motion is placed before the House. Let me first place the Consideration Motion and then we will decide as to what to do. The hon. Minister has heard the reactions of hon. Members. Perhaps, as we proceed he might collect the information that hon. Members require. I shall request him to collect this information and supply it to hon. Members because of the intense feeling shown by them. I see that he has not got that information just at present.

Dr. Lanka Sundaram: That is exactly the reason why some of us wanted this information earlier. We have not got this information to which we are entitled, and we cannot discuss the clauses without that.

Shri K. K. Basu: In the case of West Bengal—which is a commercial and industrial State—I find that only 16 per cent. of the applicants have been granted loans. This is the only information which is contained in the report, of which he says ten copies have been placed in the Library. People are clamouring for loans. Unless he is in a position to give us more information, I suggest that we may postpone discussion of this measure till Monday next, by which time he can give us the information.

Shri A. C. Guha: Enough details have been given. It is not possible for the Central Government to say with all details how many applications were received in each State and the amount which was given to individual applicants. I think if hon. Members read this report which is more than 100 pages they will get enough details for the consideration of this Bill.

Shri K. K. Basu: We have not got that report; the report supplied to us is hardly five or six pages.

Shri Bansal: Give us the hundred-page report and we shall proceed with this Bill.

Mr. Deputy-Speaker: I should first place the motion before the House.

Motion moved:

> "That the Bill further to amend the State Financial Corporations Act, 1951, be taken into consideration."

Now, we may discuss this matter.

Shri Bansal: I hope you will allow me to repeat in brief what I have said.

Most of these Corporations have been functioning since 1951 and up to now 13 Corporations have been established. Every year the report of their working must have been placed before the State Legislatures. What I want is that a copy each of these reports ought to have been placed in the library of this House, if not on the Table of the House. Those of us who have the time and energy would have gone through them.

Dr. Lanka Sundaram: Not one, but one for each of the 500 Members.

Shri Bansal: I mean sufficient number of copies. I would not have minded even if one copy of the report on each of the State Finance Corporation had been made available, so that such of us who take interest in these things may have gone through those reports and followed their working. As it is, we are absolutely in the dark about the working of these bodies.

It was by accident that I happened to be in one consulting committee in Punjab. There a brief summary was given to us of the working of the Punjab Corporation and to my surprise I found that it was a tale of absolute mismanagement. I think it will be borne out if the hon. Minister makes a copy of the report available to us. I, therefore, say that before we are called upon to give our views on this far-reaching amending Bill, we must insist that a copy of the report on the working of these Corporations should be made available to us, so that we can draw our own conclusions and take an intelligent part in the discussions, unless the hon. Minister wants that we must give our seal of approval without understanding anything.

I must say in fairness to the Minister that I have been supplied on my asking him with some information, but I am not satisfied with the information that I have got and I cannot take part in this debate intelligently unless I get the detailed reports on the working of these Corporations as they have been placed before the legislatures. I suggest to the hon. Minister that when he brings forward Bills of this nature, he must place all relevant information before the House. Otherwise, as I said, this debate will be a farce. We will be just putting our seal on a thing which we do not understand and which we have no earthly means of understanding.

Dr. Lanka Sundaram: Sir, the Chair would have noticed by now that each one of us want to assist the hon. Minister to get this legislation passed and placed on the statute book. I am sure there is no doubt on that point. But, Shri Guha claims that it is not possible for the Government to give details of the various State corporations. I may say here that when the SRC Bill was considered by the Joint Committee, there was the division of the State corporations. Data was obtained and given to us. It was specifically obtained and supplied to the

[Dr. Lanka Sundaram]

Joint Committee. In other words, Government is in a position to obtain the information if it makes some effort. Unless and until this information is made available, I am afraid that none of us can possibly take part, take an intelligent part in the debate. I strongly endorse the suggestion made by Shri Basu and Shri Bansal that this may be held over. Meanwhile, an attempt may be made by the Minister to circulate to the hon. Members some 30-40 copies; some copies may be obtained and placed on the Table also. Almost each of the States has got a corporation and all of us are anxious that they work in such a way as to benefit the industries for which they were created. To enable us to understand the implications of this Bill, we must have a report on these corporations. So, I hope that you will use your discretion and agree to postpone the debate on this Bill.

Mr. Deputy-Speaker: Is it not possible for the hon. Members to proceed with the general discussion for sometime? We may continue for sometime and then we have to take up non-official business. Meanwhile, the hon. Minister may collect and give us that information. What I understood from the objection raised by the hon. Member was that it was difficult to proceed with clause by-by-clause consideration.

Shri A. C. Guha: If the hon. Members want information relating to individual parties applying for loan or getting loan, we have no such information.

Mr. Deputy-Speaker: They would not be interested in individual parties. The general categories, etc. may be given.

Shri A. C. Guha: It has been given in the papers circulated to them. Copies were also placed in the library. It is there industry-wise. How many industries in each State—is that the information required? I am afraid that information is not available with us.

Dr. Lanka Sundaram: He may send a telegram and get the date on Monday.

Shri Bansal: Yesterday, I went to the library and ransacked the entire library up to 4 o'clock. Day before yesterday, there was not a single paper in the library. These reports have been placed in the library perhaps yesterday evening. We have no information whether these reports have been placed there yesterday evening. I do not want information about each individual industry. All I want is that we should get a copy each of the reports that must have been placed on the table of the State Assemblies—reports on the working of the relevant State corporation. Without that, no discussion is possible.

Mr. Deputy-Speaker: Before I placed the motion before the House, there was certainly a proposal to make a motion for adjournment. Afterwards there is no formal motion made.

Dr. Lanka Sundaram: That is understood. If you will permit me, I move a formal motion.

I beg to move:

> "That the debate on this Bill be adjourned till Monday or Tuesday or until such time as the Minister furnishes us with this date."

Shri A. C. Guha: This data may not be available: these are not either with the Government or the Reserve Bank.

Mr. Deputy-Speaker: I have no choice. It is for the hon. Members to proceed.

Shri A. C. Guha: Ten copies of the report, etc. containing all the necessary information relevant for the purpose of this Bill have been placed in the library.

Mr. Deputy-Speaker: The allegation is that the inormation has been put in the library only yesterday. An hon. Member went to the library several times day before yesterday to look

into these and these were not available. The complaint now is that the time was not sufficient. The hon. Members could not benefit by that information that has been supplied. What is the reaction of the hon. Minister to that complaint? When was this information supplied?

Shri A. C. Guha: This information was made available to us only day before yesterday. Shri Bansal made a request the day before yesterday and he got the report yesterday. We placed these copies in the library also. They were not available with us before. The two hon. Members who have been making this complaint have all got the report.

Shri Bansal: I rise on a point of order.

Mr. Deputy-Speaker: Order, order. The point is now clinched and we need not go on indefinitely. Some information has been placed in the library only yesterday; it was not available before. The hon. Members want further information but the hon. Minister says that he could not supply any further information. That is finished.

So, now the question is this. The information is in the library but the hon. Members want further time to study that literature.

Dr. Lanka Sundaram: Up to this moment, you will have noticed that every hon. Member in this House is willing to assist the Minister to proceed with a proper discussion. I now raise a point of order and I want your formal ruling on it. Times out of number, Bills are brought before this House dealing with the activities of State enterprises and corporations and every time the same plea has been trotted out. You will recollect, Sir, the Sodepur scandal. There was also the difficulty with regard to the Industrial Finance Corporation. There were so many other difficulties and every time the same plea is taken. I am prepared to satisfy you and the House that he can and must obtain the information and help us to get that information. When the SRC Bill was being discussed, we were supplied with copies of the debates of every State legislature. Without committing a breach of the privilege, I may say that in the Joint Committee on the SRC Bill when the question of the division of the Industrial Finance Corporation of the Bombay State came up for consideration, a telegraphic request was made to the Bombay Government. The reports were obtained. A sub-committee was appointed and then we proceeded with the discussion. I seek the protection of the Chair in this case also.

Mr. Deputy-Speaker: The hon. Member has raised a very wide question. That can be dealt with exhaustively on some other occasion. For the present, we are concerned with this. Of course, I will look into that point also.

For the present, we are concerned with this situation which has arisen just now. I can very well see the anxiety of the hon. Members to have the requisite information. I would ask the Minister to supply all the information that he can possibly supply so that it will facilitate the Members to have a useful discussion in this House.

Now, the hon. Members want further time to study the literature in the library. I cannot give a ruling whether the information that is available in the library is sufficient or not without going through that.

Dr. Lanka Sundaram: We must get the 100 page document; only eight pages are given to us.

Mr. Deputy-Speaker: There is a formal motion that the discussion be adjourned.

Dr. Lanka Sundaram: I moved that the discussion be adjourned till such time as the hon. Minister was in a position to supply us all the reports.

Mr. Deputy-Speaker: It cannot be put in that form. Then, it may have

[Mr. Deputy-Speaker]

to be determined whether the information has been sufficient or not.

The present motion would be that the discussion on the motion made by the Minister be adjourned. I shall put it to the vote of the House.

The question is:

"That discussion on the motion 'that the Bill further to amend the State Financial Corporation Act, 1951, be taken into consideration' be adjourned."

The motion was adopted.

INDIAN RAILWAYS (AMENDMENT) BILL

Mr. Deputy-Speaker: We will now take up the Indian Railways (Amendment) Bill.

Shri Kamath (Hoshangabad): Sir, I rise on a point of order with regard to this matter. Yesterday in the Order Paper this Bill, the Indian Railways (Amendment) Bill, was shown fairly low down in the list and on normal, ordinary computation I thought that it would be reached only tomorrow. I would submit, Sir, —I do not know whether other hon. Members are in the same position as myself—that I had intended to give notice of amendments to this Bill today so as to be in time for the consideration of the Bill tomorrow. So, if the Bill is taken up today, I do not know how much time is allotted for it and whether there would be time for sending in the amendments. May I know how much time has been allotted?

Mr. Deputy-Speaker: Three hours.

Shri Kamath: That means the amendments will be in time tomorrow also. Then it is all right.

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to move:

"That the Bill further to amend the Indian Railways Act, 1890, as passed by Rajya Sabha, be taken into consideration."

Sir, I think I owe a word of apology to the House for bringing this measure so late before it. The Bill was adopted by the Rajya Sabha three years back, and it was not possible to bring it before this House all these months and years. It is doubtful whether I would have got an opportunity even now but for the despatch with which this House has been transacting legislative business in the current session. At the same time, I should hasten to add that what the bill seeks to achieve already been enforced and is under operation on all the Railways. The Bill when passed would simply invest what already obtains with regard to hours of work, periods of rest, etc., with the status of a statute.

The Bill, as has been stated, deals with questions relating to the hours of work, rest, overtime etc. of railway staff. The two conventions of Washington and Geneva relating to hours of work and rest were implemented in 1930 by amending the Indian Railways act. Under this amending Act, railway servants were divided into three categories—continuous workers, intermittent workers and excluded workers. The hours of work for continuous workers were 60 in a week and of intermittent workers were 84. Continuous workers were also entitled to one day's rest in a week. The running staff were excluded from the scope of thees rules. These provisions had been in force for only a few years when the staff began putting forward demands for further reducing the hours of work. Ever since 1940, the workers had been putting forward these demands and as no agreement could be reached between the Railways and the representatives of the workers, it was mutually agreed in 1946 to refer the questions to adjudication. The Adjudicator gave his award in 1947. His recommendations were accepted by

Government in 1948 and were implemented within the time limit of 2½ years prescribed by the Adjudicator on all the ex-Indian Government Railways who were the parties to the dispute. This was effected by altering the Hours of Employment Regulation which had been framed under the amending Act of 1930. Even in the case of the ex-States Railways taken over by Government in 1949 and 1950, it was decided to apply the recommendations of the Adjudicator and in fact, these have already been implemented on these Railways. While effect had in practice been given to the changes recommended by the Adjudicator, it was felt by Government that it would be more appropriate and in accord with international usage to provide for these alterations in the Act itself so as to afford statutory safeguard to railwaymen. Hence, we have come forward with this Bill before the House.

I shall now refer in brief to the important provisions in the Bill. I have already referred to the classification of railway employees as continuous, intermittent and excluded workers under the earlier rules. The first important change which the Adjudicator's Award made was in respect of classification of the staff. The Adjudicator introduced a new classification called 'intensive' which was intended to cover staff whose work was of a strenuous nature involving continuous concentration or hard manual labour with little or no period of relaxation.

The next change which the Adjudicator's Award made was in the definition of 'essentially intermittent'. According to the earlier rules, staff were classified as essentially intermittent if during a period of 12 hours, there were period of comparative inaction aggregating not less than two hours including two periods of not less than half an hour each; or, if the latter did not obtain a total period of inaction of less than 4½ hours. According to the Award, this period of inaction should aggregate 6 hours or more (including at least one period of not less than one hour or two periods of not less than half an hour each).

The third change was in the inclusion within the scope of the Award of the running staff to whom the Employment Regulations have not hitherto been applied.

Lastly, the Adjudicator's Award defined specifically the class of staff who should be excluded from the operation of these regulations.

After classifying the staff, the Award proceeds to determine the maximum hours of work on which each class of staff may be employed. In respect of intensive workers, the Award lays down that they shall not be employed for more than 45 hours a week on the average in a month. In respect of continuous workers, the limit has now been fixed at 54 instead of 60 as it used to be previously. In respect of essentially intermittent, the limit has now been fixed at 75 hours as against 84 previously. Section 71(C) proposed in the Bill seeks to implement in full this award of the Adjudicator. The Award also provides that where for any reason the staff are employed for hours in excess of those prescribed, overtime pay shall be paid at the rate of 1½ times the remuneration for excess hours as against 1¼ times previously allowed. The proviso in proposed section 71(C) is in conformity with this portion of the Award.

In respect of periodical rest also, the Adjudicator's Award goes further than the earlier provisions. As I have stated above, under the 1930 Act, only continuous workers were entitled to a weekly day of rest. The Adjudicator's Award now provides for periodic rests as follows: for intensive and continuous workers at least 30 consecutive hours in a week; for essentially intermittent workers at least 24 consecutive hours in a week, including one night; and for excluded Class IV staff, at least one period of 48 consecutive hours in a month or one period of 24 consecutive hours in each fortnight. In the case of running staff the periodic rest may be four

[Shri Alagesan]

periods of not less than 30 consecutive hours each or five periods of not less than 22 consecutive hours each including one full night in a month. These provisions have been included in the proposed section 71-D of the Bill. Proposed sections 71-C(4) and 71-D(4) provide for temporary exemption from the restrictions of the hours of work and grant of periodic rest in cases of emergencies like accidents etc. It is necessary for the Administration to have these powers in order to ensure that the continuous work of the Railways is not interrupted. Safeguards for the payment of adequate overtime or the grant of compensatory rest have also been included in the Bill. Proposed section 71-E confers on the Government powers to make rules on specific matters. Provision has also been made in proposed section 71-G for the promulgation of rules regarding the inspection of Railways in respect of the way in which they have implemented the provisions of this Act. It is proposed that the inspecting machinery under the Labour Ministry shall be entrusted with this work and that that Ministry shall also ultimately be the appellate authority for the determination of the classification of railway services. The rules made in this regard will make the position clear. As I told the House before, these recommendations have been implemented and they are now only being placed on the statute-book.

There are a few minor matters about which specific provision has not been made in the Bill, for example definition of supervisory staff. We propose to include such points in the rules which would be more appropriate than to include them in the Act itself because any later amendment or adjustment could be made without having to go through the process for amending the law.

There are certain recommendations made by the adjudicator which are of a minor nature and which again have been enforced by the railways. The class of staff to be excluded from the operation of these regulations has been defined in the proposed section 71A (c). Item (iv) thereof mentions:

> "such categories of class IV staff as may be specified by the Central Government by rules made under section 71E;"

I can make it clear that it is not the intention to exclude large numbers of class IV staff under this head.

The provisions of the present Bill mark a great advance in legislation in protecting the hours of work and the periods of rest of railwaymen. I commend the Bill to the approval of the House.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill further to amend the Indian Railways Act, 1890, as passed by Rajya Sabha be taken into consideration".

Shri Kamath: I find that you were pleased to announce a little while ago that three hours have been allotted for discussion and passing of this Bill. I find that the Business Advisory Committee is going to meet only this evening to consider this matter. So no time has been finally fixed for this Bill. I would therefore suggest that the period of three hours should not be taken as final.

Mr. Deputy-Speaker: The Business Advisory Committee had advised that three hours be allotted for this Bill. That advice has not been brought to the House for its approval.

Shri Kamath: It has not come for the approval of the House.

Mr. Deputy-Speaker: That is what I am saying. It has not been so far approved by the House. Otherwise, the Committee's recommendation is there. We will see to it, as the debate proceeds.

Shri T. B. Vittal Rao (Khammam): This amending Bill provides for the

regulation of conditions of work of the railway employees who have not been covered by the Factories Act. As the Minister himself has said, the provisions incorporated in this amending Bill are already being given effect to, and that only the formal legislation is being brought forward.

When we consider this Bill, we should bear in mind that a large percentage, as much as 40 or 45 per cent. of the railway workers do not have any statutory provisions governing their conditions of work. Among this large number, such important staff as running staff is also included. The running staff are the key to any transport system. This class of men carries out the duties which are a little more arduous than those discharged by the workers in the factories. So, while we consider this Bill, we have to bear in mind this important aspect. Again, there are other categories of staff also such as Station Masters, Assistant Station Masters, etc., who have not been included in these provisions.

The hours of work which were fixed by statute some years ago have been revised because it was contended on behalf of the railwaymen that the work-load has not been properly assessed and that therefore there is need for assessment of the work-load of the various categories of the workers on a proper basis.

In the year 1946, the strike notice that was issued contained 13 points. One of these referred to the conditions of work and the implementation of the hours of employment in the railways. Then, the strike notice was withdrawn, because the question of wages was referred to the Central Pay Commission, and a High Power Commission was appointed to go into the case of the workers who were likely to be declared surplus on the cessation of the war. Then the hours of work and conditions regulating the work were prescribed.

Now, when we take into consideration the changes that are incorporated in the Bill, we should also take into consideration all the workers employed in other industries and see how far they have progressed during these years. I may point out that in the factories, before 1946, the workers had to work for nine hours. That had been reduced after 1946, and the Factories Act of 1948 contained the provision saying that the hours of work would be reduced to eight. Then, the overtime rate was increased from one and a half times to two times. The 54-hour week was also reduced to a 48-hour week. These changes had been brought about in the industry without any cut in the wages of the workers. That was a very welcome thing.

Under this Bill, one important thing is that for overtime wages for the staff who carry out an onerous and arduous duty which is sometimes risky, the rate has been fixed at 1¼ times. I know the Minister will tell me that it was 1½ times in the former days. He would say that that was the normal rate and that it has now been increased to 1¼ times. These workers have to be on duty continuously. But in the factories, if a worker has to work for eight hours, he should have a break after four hours of continuous duty. So, when you do not provide for any break for these workers on the railways, I cannot understand why they should not be paid twice the overtime wages. Various industrial tribunals have ruled that the overtime rate for any work performed after the normal duties should be paid for at double the rates. So, I have also tabled an amendment to this effect.

The adjudicator has categorised various types of workers and they have been approved by the Minister himself. But I do not understand why the railways themselves should categorise the workers, when it has been definitely laid down in the adjudicator's award that such and such types of workers should be treated as continuous, intermittent and intensive. I fail to understand why the administration wants to have the powers to classify or categorise these workers.

[Shri T. B. Vittal Rao]

For intensive workers, it is said that they do not work for more than 45 hours. I have to bring to the notice of the House the case of a section of the category of intensive workers, namely, the section controllers. The section controllers, in some places, because of the nature of their duties, are to do only 36 hours of work a week. In some other places, they have got to do 48 hours' work. They have got an eight-hour shift. So, I want that these section controllers should be assigned a period of work which is not more than 36 hours a week. There should not be any discrimination between one type of worker in one district and the same type of worker in another district. But for such categories of workers there is no protection. He may say that they do not come under the reference of the adjudicator's award. There should not be any category of workers who should be left out from the statutory provisions we are going to make. Otherwise, this again will lead to disputes and industrial peace will be disturbed.

In the Factories Act, the Mines Act etc., it is usually laid down that when an employee is unable to avail himself of the off due to exigencies of service, he shall be given a compensatory off. Here also it is mentioned, but no specified time is fixed within which that compensatory off should be given. In the Factories Act and the Mines Act, it is clearly laid down that compensatory off for the off forgone should be given within a specified time, one month or two months. This also may be mentioned.

There are some workers who are working more than 75 hours a week. A work-load which has been assessed several years ago does not hold good now; it should be revised. I do not consider that there should be any worker, to whatever category he may belong, should be given such a long spell of 75 hours of work. This is too much. So, I have said that it should be reduced to 54 hours.

I do not know who suggested that while computing the overtime wages, the whole month should be taken into consideration. It does not exist anywhere. In the Factories Act, it is on a daily basis. The Factories Act fixes 8 hours a day and not more than 9 hours on any day. Here there is no limitation or prohibition that beyond a specified period of time, he shall not be allowed to work. To compute it on a monthly basis is totally wrong. So, it should be computed at least on the basis of a weekly average, because there is no time limitation for a shift.

The Minister said that the adjudicator's award could be effective only to the parties to the dispute in 1946. In 1946 some of the railways were State-owned and some others company-owned. But, wherever the workers were, they got a guarantee from their respective employers that the adjudicator's award would be made applicable to all the railways. That was the undertaking given. Even for implementing some of the provisions of this Act, it had taken a pretty long time. It was not till 1953 or 1954 that these provisions were enforced on the railways. It was only in 1954 that some of the running staff really came to enjoy the provisions of this Act.

Regarding the weekly rest also, the principle laid down is the same as in computing overtime wages. The worker is to be given compensatory off only on a monthly basis. Of course for that month he gets what he would have got really at the rate of one day in the week; but, the way in which it has been put makes us suspect that there is no adequate staff, who should have been generally there. The staff for relief is completely inadequate.

In conclusion, I want to say that it should be binding on the railway administration to see that relief arrangements are so made that the worker should be relieved after a certain spell of time. Today what happens is this. Take, for instance, a few lines on which I travel very often

To give precedence to the Grand Trunk Express and the Janata Express, the goods trains are allowed to stand. They are stopped for several hours during the whole journey; sometimes it takes 5 hours more and this particular employee, who is a driver, a fireman or a second fireman, has to be continuously on duty for 13 or 14 hours. The work of the engine crew is such that it is also injurious to their health. If sufficient relief arrangements are made in between stations where running sheds exist already, these difficulties could be got over. I would appeal to the Minister to accept at least some of my amendments.

The administration is taking some powers for making rules. I would like the Minister to place the draft of the rules before the National Federation of Indian Railwaymen and obtain their comments. After that, the revised draft should be placed before the Indian Labour Conference; their comments and criticism should be invited and then only the rules should be made effective. Today the Indian Labour Conference is the highest advisory body in our country. There is no other body where you can discuss these things. In the International Labour Organisation, there is an "Industrial Committee on Inland Transport" where we discuss the problems affecting the workers engaged in the transport system. Though we are a member of the International Labour Organisation, whose convention we are going to ratify after this Bill is passed and President's assent is obtained, there is no such body in India. The Ministry of Labour has been rather incompetent and inefficient. They have not given any thought to this though they participate annually in the meeting of the International Labour Organisation. A large delegation is sent there to serve on various industrial committees. But the same thing is not done here.

Here there is no forum where the workers can go and ventilate their grievances. There is no forum of the nature of an industrial committee where we can discuss and thrash out things. We had recently an industrial committee on coal mines which sat here for three days. We have gone through some 200 regulations on conditions of work and we have been able to come to an agreed decision on many aspects relating to the conditions of work.

Therefore, I earnestly suggest to the hon. Minister—of course, I am not very confident that he will accept my suggestion—that the railway administration will stand to gain by their placing these draft rules before the Indian Labour Conference, which is going to be held in India. There we can discuss these things. That is the highest body regarding matters concerning employer-employee relations and after discussion there we can finalise things.

Shri Frank Anthony (Nominated—Anglo-Indians): I feel the House has been taken somewhat by surprise with regard to this Amendment Bill and I hope that those of us who have given notice of amendments will be allowed to move them because we were under the impression that this Bill would be taken up on Monday.

This Bill is of a very vital character and I hope that after hearing the views of some of us the railway administration will be disposed to accept those views. In the Statement of Objects and Reasons the railway administration have underlined the fact that it is seeking to give statutory effect to the recommendations of the adjudicator's award and I am accepting that statement at its face value. I believe it is the intention of the railway administration to implement *bona fide* the intentions and the spirit of the recommendations made by the adjudicator. I feel that, perhaps unwittingly, in drafting several of these provisions, the railway administration is not only not implementing the spirit but even the letter of the adjudicator's award. If I have the opportunity to move my amendments, I shall elaborate my arguments then. But I want to draw pointed attention.

Shri Alagesan: The amendments were not circulated.

Mr. Deputy-Speaker: The House has been taken by surprise in regard to this Bill. The hon. Member will be sending his amendments.

Shri Frank Anthony: One of the vital matters in this measure in respect of which I am completely at variance with the railway administration is to the clause which refers to over-time for 'continuous' and 'intensive' workers for the period of their employment. I don't think any member of this House, who is aware of labour legislation, who is aware even superficially of the adjudicator's award will not accept the position that it was the week which was accepted by the adjudicator as the standard of human endurance and that it was the week which was accepted as the standard for work and operation. Then if it was the normal standard which the adjudicator accepted, I submit that it must be the normal standard in assessing not only the work, in assessing not only the human endurance but it must be the normal standard for assessing the emoluments. That is my greatest grievance and I feel that in this measure by introducing the seemingly innocuous words "on the average in any month" the whole purpose and intention of the adjudicator's award will be completely stultified: more than that, it will be perverted.

As my hon. friend who has preceded me has remarked, what is the principle which informs a measure like the Factories Act? There we have the weekly norm prescribed, 48 hours per week. But, as far as I am aware, there is also a certain provision which says that it is eight hours or nine hours a day. So my point is this. How is over-time calculated? I would be right in insisting that the railways, if they want to be progressive, as they say they want to be, they should come forward with progressive legislation and they should also accept as the normal standard for the calculation of over-time work on the daily basis. If you say that a man is a continuous worker and he should not work for more than eight hours per day, does it not seem only reasonable that if he works for more than eight hours then he should get the benefit for that over work? That is the principle which informs the Factories Act where although they have prescribed 48 hour week yet if a man works beyond eight or nine hours, he gets the benefit for every minute of work for that particular day. What does the railway administration do? The adjudicator's award, quite rightly, have prescribed certain norms, weekly norms—six hours per day for the intensive worker, eight hours per day for the continuous worker and twelve hours per day for the intermittent worker. They have also prescribed the weekly norm—42 hours, 54 hours and so on and so forth.

Now, once we accept that position, what is the conclusion we must inevitably arrive at? It is that at least the adjudicator envisaged that when a man is over-worked, his over-time must be calculated on a weekly basis. But that is not being done. I do not know why it is not being done. I am not going to use harsh words at this stage. I say perhaps the railways have not understood the clear intention of the adjudicator's award. I am giving them the benefit of doubt. But if they insist on proceeding with this phrase "on the average in any month", then I will be the first to condemn them for deliberate *mala fide* because what is happening at the moment? You take your continuous workers; take your running staff. They are now classified as continuous workers. If for certain reasons, instead of 8 hours a day they are asked to work 10 hours a day,—I am not insisting as my hon. friend has insisted that you should give over-time on daily basis though I say, technically, legally and morally it will be a completely reasonable

and acceptable request—I am saying: at least implement, as you purport to implement, as you say you want to implement, the intentions of the adjudicator's award. You are not even giving them over-time on a weekly basis. That is what I do not understand.

So far as intermittent workers are concerned, you have only prescribed that they will not be employed for more than 75 hours a week. All right. I am prepared to accept that. The difficulties of the railways may be such that we cannot at present pay our staff on a daily basis. I am prepared to concede that.

An Hon. Member: Why do you concede that?

Shri Frank Anthony: Even in the Bill they have stated that so far as intermittent workers are concerned. But so far as the continuous workers are concerned, so far as the intensive workers are concerned, people who are doing more exacting type of work, you have introduced the phrases "employed for more than fifty-four hours a week" and "employed for more than forty-five hours a week" respectively. If you had stopped there, it would have been all right. But then you say "on the average in any month". What do you mean by "on the average in any month". I will tell you what they are doing by it. I do not want to use harsh words. When I talk to the railwaymen, what do they say? They are honest people with not a very full vocabulary. They say in a blunt way, that the railways are twisting us out of our money, they are cheating us out of our money. When you take the legal definition of cheating as causing wrongful gain to one and wrongful loss to another, you are causing wrongful loss to the worker and wrongful gain the railway Administration. Whether that constitutes cheating, I leave it to the conscience of the Railway Administration. What are you doing? This is supposed to be a progressive piece of legislation. Take your running staff, men who earn blood money. They do not work for 54 hours a week. Some of them work 20 hours a day, 18 hours a day, 26 hours a day.

3 P.M.

An Hon. Member: A day?

Shri Frank Anthony: Not a day; some of them work 26 hours continuously. Some of them have done it. They do not mind. They say, all right. You work them so excessively. But then you deprive them of their overtime. This is what I cannot understand; I cannot understand the attitude of the Railway Administration. As I say, I am not insisting that you should pay them overtime on a daily basis. But, can you say that it will not be a dishonest evasion of the adjudicator's award if you do not pay overtime on a weekly basis? That is what the Railway Administration is doing. They are working these men for 70 hours or 80 hours a week: not 54 hours. They work in a fortnight for 130 hours or 140 hours. What do they do? In the next fortnight, they are put off. They say, on the average in any month. They work out for a month. It does not come to more than 54 hours a week. ' You have overworked them; you have killed them with work for a fortnight. You give them excessive work. Then you say, on the average in any month. What does it mean? Your norm of a day, your norm of a week means precisely nothing. You are enforcing, in order to deprive these men, the norm of a month. Seventy hours a week, 140 hours a fortnight means nothing. They do not get one anna of overtime. I just do not understand this. I hope that the Railway Minister will not justify that. If he justifies that, then I say, he will deserve and he will incite trouble, more than trouble, from the railwaymen.

Mr. Deputy-Speaker: Not inside the House.

Shri Frank Anthony: I do not know probably one may do it. But, it will certainly be an indirect incitement.

I request my friend, and all that I am asking to do is, to cut out the

[Shri Frank Anthony]

words 'on the average in any month: If a man has worked overtime, on the basis of a week give them the benefit of overtime. This is a reasonable request; it is a request for elementary justice.

There are several matters in respect of which I hope the Administration will accept the amendments which I have given. For instance, take intensive workers. The intensive workers are not supposed to work more than six hours at a stretch. They are in an anomalous position of not getting a day off in 365 days. Does my friend know that? How are the rosters for these intensive workers worked? They get 18 hours. They do not get in the whole year one complete day. For instance, they will work from the midnight last night to 6 o'clock this morning. They will get 18 hours from 6 o'clock till whatever it is to make 18 hours and they go on. They never get one calendar day in the whole year, off. That is your intensive staff. This may not appear to the Railway Administration to be an important matter. But, I have always said that the Railways depend primarily and, in fact, entirely on the human element. If you do not meet your men part of their way, if you do not understand their difficulties and their need for rest, their claims for overtime, how do you expect them to give reasonable loyal service?

Another amendment, my friend referred to it, relates to section 71D(4) which says, when they are required to do a certain amount of overwork, the Railway Administration, according to this, as far as possible may give them compensatory off. That is not good enough. It should be an absolute obligation on their part to give them compensatory off. I want to delete the words 'as far as possible'. I want the term, in any week within the calendar month. That is, if you overwork your men, you must be under an obligation to give them compensatory off in that calendar month.

I have been particularly perturbed by this blanket rule-making powers that we are going to invest the Central Government with. This I will oppose completely with all the emphasis at my command. What is the point in presenting a facade of a progressive legislation when you interpolate provisions giving blanket arbitrary powers which would completely nullify every other provision in this measure? Under two provisions the Railway Administration, for no reason, may completely extract a certain type of work. He may be an intensive worker. You may arbitrarily, as the Railways do, without any logic, classify him as an intermittent worker. Why should it be so? We know who is an intermittent worker, who is a continuous worker. Why should you have blanket rule-making powers arbitrarily to extract people from one category and place them in another. I say, you can just scrap the Bill and just have an one clause Bill that the Railways shall be a law unto themselves and may do whatever they like, whenever they like and however they please. But you will not be able to delude any who know anything about railway matters, if you put a clause of this description in.

There is one matter which is also of very particular concern. Take section 71F, where the Railways make it an obligation on a man not to leave his duty unless he has been relieved. This is a most reactionary clause. This would do great credit to pre-Independence days when the Railways were the nursery of reactionary bureaucracy. This measure is one of the most reactionary that could ever have been formulated anywhere by a most reactionary regime. What is significant in this? What is the adjudicator's award? Take the running staff. After 12 hours a man shall be relieved if he has given 2 hours' notice before the 12 hours. You shall relieve him. What do you say? Why? I have had talks with the Railway Administration. You have suspended men; you have removed men and dismissed men

merely because the man has said that: I am entitled to relief after 12 hours; you are indifferent and incompetent; you do not just provide me with relief; I am signing off; I have done 16 hours, 18 hours, 24 hours. What have the Railways done? They fly in the teeth of all the recommendations; they fly in the teeth of every progressive principle which has the sanction and blessing of all progressive administrations. Now you are putting in this completely reactionary measure. So far at least, when a driver who was not relieved after 16 hours or 20 hours on the foot plate, had stabled the engine, I was able to go to the Minister and tell him, the principle is clear you shall give him relief, he has worked for 16 hours or 20 hours. The Minister, though one of his underlinks had issued the notice of removal, was because of the adjudicator's award, obliged to reinstate the man. But what are you doing now? You are giving statutory sanction to keep a man 48 hours on the foot-plate. You will say: "No, we have not got relief." Our railways are so incompetent today. So, he will have to stay for 48 hours on the foot-plate, and if he stables his engine, you will dismiss him and you will say: "Here is the statutory provision for it." I just do not understand this. Either my friend has not applied his mind to it or he has not seen the clear implications of this provision 71F. That is why I wish to put in a clause. I am meeting the railways more than half way. I say, all right, if because of congestion, if because of incompetence you cannot give a man relief after the statutory limit, I am prepared to allow you grace. I am prepared to allow you to keep an intensive worker for eight hours on duty instead of six workers. About the continuous worker, I say instead of eight hours I am prepared to allow you to keep him for twelve hours on duty, four hours more. About the running staff, you are not supposed to keep them continuously on duty for more than ten hours. I say I am prepared to give you a grace of four hours, I am prepared to allow you to keep them on duty for 14 hours. About the intermittent staff, you are not supposed to keep them on duty for more than twelve hours. I am prepared to allow you to keep them on duty for 18 hours. After that, if the Minister is incompetent, if the Deputy Minister is incompetent, if the administration has collapsed, I say it is your business. The railways today are in many respects overstaffed. It is only because nobody cares and when you have a provision like this, they will care less. Your controllers do not bother, your station masters do not bother. These railway people give notice two or three hours before. Nobody bothers to get a relief crew, and now they will bother still less, with the result that the men who have been working for 20 to 22 hours may have to work for 30 to 40 hours. And they will say: "After 30 hours you have left your engine, you have stabled it, here is your order of dismissal."

I am sincerely hoping the Deputy Minister has not come with a closed mind. I am particularly anxious that in this matter of overtime and in this matter of over-work he should see my point of view. I hope he will modify the phraseology and accept the amendments which I propose to move.

Shri Alagesan: I have heard with great attention the two hon. Members who participated in the debate. There is no gainsaying the fact that they are people who constantly apply their minds to the problems of railway labour and—at least about one of the hon. Members I may say with confidence—try to make constructive suggestions.

Shri Anthony, of course, is rather strong in what he says. He uses strong language, but I can very well understand the concern that he has for railwaymen, but in this respect I should think that he has rather overshot his mark and said things which are not facts.

Shri Vittal Rao expressed the fear that most of the workers are not enabled to enjoy the statutory safeguards that are being provided for

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railway labour. I should like to inform him that that is not the case. I have got here the percentages of workers that have been put under various categories and the excluded category which is not brought under the operation of this Act or the provisions of Hours of Employment Regulations comes to only 4·2 per cent. He feared that the percentage may be anything between 40 and 50. He need not have any such fear. The excluded category which includes people like—they have been enumerated by the adjudicator also—saloon attendants, caretakers of rest houses, reservoirs etc., gate-keepers of "C" class level-crossings etc., goes to make up only 4:2 per cent. of the total railway labour force. So, the excluded category being such a small percentage, all the others derive the benefit of the statutory provisions that we are going to approve here.

Both the hon. Members made the point that over-time should not be calculated over a month, that it should not be averaged over a month but it should be averaged over a week, if not over a day as Shri Anthony put it. Shri Anthony also accused the railway administration of going behind not only the spirit of the adjudicator's award but also the letter of the adjudicator's award. I do not know wherefrom he got this notion that we are trying to do something which goes counter to what the adjudicator has said in averaging it over a month instead of a week. I have only to meet Shri Anthony's very effective eloquence with the calmly considered statements of the adjudicator himself in this regard. He will please turn to page 98, paragraph 322 of the adjudicator's award. I am quoting from the report:

> "The All-India Railwaymen's Federation demands deletion of the averaging clause. This clause was considered necessary to provide a reasonable measure of elasticity so necessary in railway working. Without it overtime payments would be the normal railway labour. I should like to during the first week of the month when they have to prepare monthly returns. On European railways the period over which the eight-hour day is allowed to be averaged in pursuance of article 5 of the Washington Convention normally extends from a week to a month. Apart from the practice in India I am aware of only two countries where the maximum limit of hours per week is averaged over a longer period. In Norway the 48-hour week is calculated over four to six weeks and in Belgium over three months. In India the period of one month was fixed for this purpose for definite reasons, for example to provide for the extra work involved in the preparation of monthly returns and to admit of overtime payment being made along with the monthly salary. In actual practice this provision has not entailed any serious hardship and I am therefore unable to support the Federation's demand in this respect."

This is what the adjudicator has said. It is so categorical that I do not think that the accusation that we are doing something in this respect behind what the adjudicator has said can stand.

Then, Shri Vittal Rao spoke about compensatory off, about which Shri Anthony also mentioned. This compensatory off is being granted within as short time as possible. If there is anything which does not fall within this, I should like to have such cases brought to my notice so that I may take whatever action is necessary in those cases. I am told this compensatory off is granted within a week or within a fortnight. It is not taken beyond that. In fact, my friend pleaded that it may be given at least within a month, but I am told this compensatory off is given well within that period, namely a week or two weeks at the most.

Shri Vittal Rao said that whatever we have done or whatever we are

trying to do does not represent a progressive view or progressive outlook in the mattter. I have only to compare what obtained before with what obtains at present. Of course I said it in my speech also.

The category of intensive workers was not there before. It has been introduced now, and they have got only to work for 45 hours, and the period of rest is 30 consecutive hours in a week. My hon. friend Shri Frank Anthony even forgot the number of hours a day contains. God made it contain only 24 hours, but he said, 26 hours. He also said that they work.....

Mr. Deputy-Speaker: God did not make it.

An Hon. Member: He said that they work continuously.

Shri Alagesan: I accept your correction. Anyhow, we are accustomed only to 24 hours a day, but my hon. friend even passed beyond that. Anyhow, I may tell the hon. Member this much. He was saying that it was not possible for the intensive workers to obtain a whole day of rest within a whole year, and even for one year consecutively, they were not able to obtain a day of rest. I do not know wherefrom he got the information.

Shri Frank Anthony: I shall give it to you.

Shri Alagesan: If my hon. friend confronts me with a statement of this nature, that they do not get even one full day off within a whole year, I can only request him to produce actual cases, so that I can examine whether it is so. If that is so, it is really a bad thing; it cannot be permitted. Now, this Bill will become an Act, and it will have all the binding force of an Act.

Fears have been expressed that something will be done by means of rule-making powers, to nullify the effect of the Act. It is not uncommon to have a provision for rule-making powers. In every piece of legislation that this House has passed before, we have had a provision for rule-making powers. Likewise, here also, we have a provision for rule-making powers. That does not mean that we shall make rules which will nullify the Act. There is absolutely no justification for such a fear.

Then, my hon. friend talked about the rest periods of intensive workers, and said that they were made to work much longer than they were needed to. It may be that when relief is not available they may be made to work a little longer than the actual period for which they are expected to work. Barring that, there should be no difficulty in seeing that they are given the needed relief.

In case we do not have sufficient number of staff to provide immediate relief for these categories, certainly, it is for the Railway Administration and the Railway Board to see that sufficient staff are recruited, so that rest givers can be available there to provide relief. But that does not mean that people are made to work continuously.

So far as continuous workers are concerned, the number of hours of work, which was 60 hours before, has been reduced now to 54 hours. In the case of the essentially intermittent workers, it was 84 hours a week previously, and now, it has been reduced to 75 hours. Shri T. B. Vittal Rao has, in his amendment, proposed that these hours of work should further be reduced. But I may tell him that these 54 hours and 75 hours have been fixed with a view to provide for a certain amount of flexibility. It is the intention to prepare the actual rosters running up to only 51 or 52 hours a week in the case of the continuous workers, and 72 hours a week and no more, in the case of essentially intermittent workers. The extra hours have been put in just to provide for a certain amount of flexibility. In actual practice, however, it

[Shri Alagesan]

will not exceed 52 hours or 72 hours, as the case may be.

Then, Shri T. B. Vittal Rao pleaded that overtime allowance should be payable at twice the rate and not at one and a half times the rate. This point was raised here even before, and I had occasion then to meet this point. In the case of a factory, the overtime allowance to be paid is twice the normal rate. The main reason for that is that it is the intention to discourage the practice of taking overtime work from the workers. But on the railways, it is just not possible to avoid taking overtime work. It becomes necessary in the very nature of their duties. For instance, take the case of the station staff. They might be dealing with a particular train, and before that train leaves the station, and before seeing that the train leaves the station, it is not possible for the station staff to leave the place of work on the ground that their period of duty has come to an end. So, in the very nature of their work, it is not possible to avoid a little extension of the hours of work.

3.24 P.M.

[MR. SPEAKER *in the Chair*]

But in the case of the factories, the intention is to prohibit overtime work, and to discourage taking more than eight hours of work from a worker. So, the two cases do not stand on a par. As Shri T. B. Vittal Rao himself has pointed out, this has been raised to one and a half times, as compared to 1¼ times before. So, there is not much force in demanding that it should be twice as in the case of the Factories Act. The hon. Member knows that we have made an exception in the case of the loco-shed people two years ago, and there, in fact, we have given them certain concessions.

My hon. friend also mentioned that in some places, the section controllers worked only for 36 hours. I am not quite sure whether they work only for 36 hours and not for 45 hours, as is required of them.

Shri T. B. Vittal Rao: It is so in Bangalore and other places.

Shri Alagesan: I do not know. But that should not be an argument. Perhaps, it might be a very light station, and I do not know why the number of hours of work is only 36. Anyhow, that should not be an argument for saying that the number of hours of work to be put in by intensive workers should be reduced from 45 hours to 36 hours on the basis of what obtains in one or two stations, where professedly, the work seems to be much less than the usual work.

As I said, all these things have been given effect to, and are in operation, not only on the Indian Government railways, but also on the ex-State railways, which have been integrated with Government railways. We are now only asking the House to put its seal of approval on at thing which is already in practice, and which has produced, I can claim, a certain amount of satisfaction among the railway workers.

Mr. Speaker: The question is:

> "That the Bill further to amend the Indian Railways Act, 1890, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Speaker: This Bill will now stand over. Now we shall take up Private Members' business.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTY-NINTH REPORT

Sardar Hukam Singh (Kapurthala—Bhatinda): I beg to move:

> "That this House agrees with the Fifty-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd August, 1956."

This report deals with two Bills. One is the Sadhus and Sanyasis

(Registration and Licensing) Bill, by Shri Radha Raman. This has been placed in category 'B', and 2½ hours have been allotted for this. Shri Radha Raman was also present, and he agreed to this.

The second Bill is the Code of Civil Procedure (Amendment) Bill, by Shri M. L. Dwivedi. That Bill has been placed in category 'A', and 3 hours have been allotted for it.

Mr. Speaker: The question is:

"That this House agrees with the Fifty-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 22nd August, 1956."

The motion was adopted.

CENTRAL GOVERNMENT SERVANTS (OPTION FOR JOINING CONTRIBUTORY HEALTH SERVICE SCHEME) BILL*

Shri Jhulan Sinha (Saran North): I beg to move for leave to introduce a Bill to provide option for the Central Government servants joining the Contributory Health Service Scheme of the Government of India.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide option for the Central Government servants joining the Contributory Health Service Scheme of the Government of India."

The motion was adopted.

Shri Jhulan Sinha: I introduce the Bill.

WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING BILL—*contd.*

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shrimati Kamlendu Mati Shah on the 10th August 1956:

"That the Bill to regulate and license institutions caring for women and children, be taken into consideration."

The time allotted for this Bill was half an hour. The time taken already is two minutes. So, there is a balance of 28 minutes left.

श्रीमती कमलेन्दुमति शाह (जिला गढ़वाल पश्चिम व जिला टिहरी गढ़वाल व जिला बिजनौर उत्तर) : अभी तक इस पर डिसकशन (चर्चा) नहीं हुआ है । लेकिन मैं तीन मिनट ही लूंगी क्योंकि मैं और बहिनों को भी मौका देना चाहती हूं ।

Shri Raghubir Sahai (Etah Distt.—North-East *cum* Budaun Distt.—East): On a point of order. The subject matter of this Bill was discussed, first, in March 1953 when Shri M. L. Dwivedi introduced a Bill of this very nature. After a fulldress debate, that Bill was withdrawn when the Law Minister gave an assurance that the Government themselves would introduce a Bill of this very nature. Again in September 1954, a similar Bill was introduced by Shrimati Maniben Patel. It was discussed here and withdrawn on the assurance of the Law Minister again. He told us that a Children's Bill had been introduced in the Rajya Sabha and it would be brought forward in the Lok Sabha itself.

Now, again, a similar Bill has been introduced by Shrimati Kamlendu Mati Shah.

Will it be fair for this House to discuss the same subject over and over again and will it not be fair on the part of Government to proceed with the Children's Bill with such modifications as are demanded by the Members of this House? I want a ruling on this point from you.

श्रीमती कमलेन्दुमती शाह : श्रीमान । मैं कुछ अर्ज करना चाहती हूं । यह बिल औरतों और बच्चों की भलाई के लिए लाया गया है । अगर इस पर विचार होने दिया जाय तो क्या हर्ज

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[श्रीमती कमलेन्दुमति शाह]

हो जायेगा । क्या माननीय सदस्य चाहते हैं कि इस पर विचार करना रोक दिया जाय और जो करप्शन भ्रष्टाचार चल रहा है उस को और बढ़ने दिया जाय । इस पर विचार होने में हर्ज क्या है इस में कानून के क्या खिलाफ़ है माननीय सदस्य एक अच्छी चीज को रोकने की क्यों कोशिश कर रहे हैं ।

Mr. Speaker: I can only say that so far as the rules are concerned, as they stand at present, if the House has addressed itself to any particular measure and then come to a decision in a particular session, nothing can be done contrary to that decision during the same session. But there is no provision for a similar position with regard to this matter, where session after session something comes up and then it is withdrawn. This is the third or fourth time that the House has taken up this subject. But I am afraid we are helpless.

So far as this matter is concerned, if a decision has been taken on this very matter, say, a Bill has been passed, no other Bill could be presented whether in that session or in some other session. If recently a Bill was passed, there is no meaning in bringing the same Bill in the next session and saying, 'Come along, we want to address ourselves to it'. Of course, there can be an amendment or repeal, but it is not the same thing as the other procedure. In all the other cases referred to, the Bill was withdrawn. Therefore, the House did not express its opinion one way or the other. There is nothing technically or legally preventing the House from proceeding with this Bill. I would like to hear the hon. Minister in this matter.

Shri Radha Raman (Delhi City): You just now said that the Bill was passed. I do not think that the Bill, which you are referring to, was passed. It is pending. Once it was withdrawn. The other Bill, Children's Bill, is pending and we want that either that Bill should be taken up or at least this Bill should be allowed to be discussed. I say this because this is a very important measure and we want that such a measure should be put on the Statute-book as early as possible.

Mr. Speaker: I never said that anything was passed.

Shri Jaipal Singh (Ranchi West-Reserved-Sch. Tribes): On the previous occasions, it was either merely the Children's Bill or merely a Bill relating to women. This is a combination of both. So it really is not the same thing that is being brought again and again before the House. It is something totally different.

Pandit Thakur Das Bhargava (Gurgaon): May I know if an assurance was given by Government that they would bring forward a Bill of this nature? I was present at the time when Shrimati Maniben Patel moved for consideration of her Bill. At that time, some kind of an assurance was given.....

श्रीमती शिवराजवती नेहरू (जिला लखनऊ मध्य) : पहले वाले बिल से इस में बहुत फर्क है ।

Pandit Thakur Das Bhargava: That is a different thing. If an assurance was given that Government would bring forward a Bill, I want to know why they have not brought that Bill.

Sardar Hukam Singh: That Bill has been brought, so far as I can recall. That contains some provisions relating to this. That Bill has been passed by the Rajya Sabha and that is to come before us. It does not relate to all the subjects that are discussed here. But some provisions have been incorporated so far as the Children's Bill is concerned.

Mr. Speaker: What does the hon. Minister in charge say?

The Minister of Law and Minority Affairs (Shri Biswas): It is a fact that two Bills had been sponsored by Government. One is the Suppression of

Immoral Traffic in Women and Girls Bill, 1954. That was introduced here sometime in December 1954.

Mr. Speaker: What has happened to that?

Shri Biswas: It is still pending.

An Hon. Member: Lapsing.

Shri Biswas: The other is the Children's Bill, 1954. This was passed by the Rajya Sabha on the 28th April 1954 and is still pending before this House. That is the position.

Now, so far as the Suppression of Immoral Traffic in Women and Girls Bill is concerned, that covers in part the subject-matter of the present Bill.

Shri Jaipal Singh: No, no.

Shri Radha Raman: Not entirely.

Mr. Speaker: Let the hon. Minister develop his argument.

Shri Biswas: I say that so far as women are concerned, that is covered. Now Shrimati Kamlendu Mati Shah's Bill also deals with the case of children. That is not completely covered. That is the position.

Mr. Speaker: Therefore, what is the suggestion of the hon. Minister as to what we should do now?

Shri Biswas: A point of order has been raised and it is for you to decide, as to whether you will allow any discussion or not. But what I propose to do is to appeal to the Mover of this Bill to withdraw it on the assurance that steps will now be taken to carry forward the pending Bills. This ought to have been done before. I do not know what kept them back and what were the circumstances, except that States' opinions were asked for, and though many of the States' opinions had been received, there are some States from which opinions have not yet come.

After all, it will be mainly for the States to administer the law. Whether this Bill is passed or whether the Government-sponsored Bills are passed, it will be for the States to administer the Law. Therefore, much will depend upon them. We have, as I said, got the opinions of most of the States. Mostly they support such legislation, and many of them have also undertaken to enact such legislation in their own States. After all, uniformity is desirable and, therefore, Central legislation would be better than separate legislation in separate States.

Now, so far as the Suppression of Immoral Traffic in Women and Girls Bill is concerned, the subject matter is within the union list. But it was not originally so, and the Centre could not therefore legislate about it. Because an international convention was since signed in 1950 and ratified it has now become possible for the Central Government to undertake legislation on the subject. The matter stands there and there is no reason why the Central Government should not now be able to go forward with that Bill and place it on the Statute-book.

As far as the case of children is concerned, as I said, Shrimati Kamlendu Mati Shah's Bill goes beyond the scope of the Children's Bill before the House which was introduced by Government. It does not cover the same ground precisely, but still, as a matter of fact, when the Children's Bill is taken up, it will render this Bill practically useless and unnecessary. That is the position. It is now for the hon. Mover to decide what she should do.

Mr. Speaker: When are those two Bills likely to come before the House?

Shri Biswas: It all depends. As a matter of fact, so far as the Law Ministry is concerned, they are ready with the Bills. I have got copies of these Bills in my hands and it will be for the House to decide when they will find time to take them up. The Ministry is entirely in the hands of the House so far as the time when they can be taken up is concerned.

Shri Radha Raman: The agenda of the House so far received is already full and we are doubtful whether these two Bills will be taken up by this House during this Session. Since the Bill which is being moved by Rajamataji does not cover only what is contained in the Children's Bill or in the other Bill and as it has got a wider scope than either of them, I think you will allow the discussion to go on.

Mr. Speaker: I have no objection; but we have allowed only half an hour for this Bill. There are a number of clauses in this and now it is only a motion for taking the Bill into consideration. I do not think it is possible to finish even the consideration stage within this time, that is the motion for consideration.

श्रीमती कमलेन्दु मति शाह : असल में बात यह है कि जो पेंडिंग बिल्स (विलम्बित विधेयक) हैं वे तो संम्भवत: एलेक्शन चुनाव के बाद आयेंगे। इसलिये उनका टाईम (समय) भी इसको दे दिया जाय और इसको आने दिया जाय ताकि यह पास हो जाय इसके अतिरिक्त इस में और उस में समानता भी नहीं है।

सरदार हुकम सिंह : अर्ज तो यह थी कि चूंकि तीन दफा इस पर बहस हो चुकी है और पांच घंटे से ज्यादा टाईम इस पर सर्फ हो चुका है और २०, २५ मेम्बर्स भी बोल चुके हैं इसलिये कमेटी ने यह समझा कि इस पर डिटेल्स डिस्कशन (विस्तार-पूर्वक चर्चा) को अब कोई जरुरत नहीं है क्योंकि वह आलरैडी (पहले हो) हो चुका है और इस के लिये उन्होंने कहा था कि यह जो बिल पैंडिंग है इसको पास करने की जरूरत नहीं है और सिर्फ आध घंटे का समय दिया था।

Mr. Speaker: For the clauses also?

Sardar Hukam Singh: Yes, for everything because it was not considered probable that it will be passed because the Government may not accept.

Mr. Speaker: Then, why not adjourn this matter for consideration some time next week? In the meanwhile Government may make up its mind and then we may get this through. The Private Members' Bills and Resolutions Committee will also consider the time that will have to be allotted to this in case this is to go through in the House. In half an hour it is impossible to get it through, whatever might have been said in the earlier stages in respect of the other Bills; and we have to convince this House once again on the necessity for this Bill. Then we have to go through it clause by clause. Therefore, my suggestion is, let this stand over to the next day.

What is the attitude of Government? I was not able to glean it from what the hon. Minister said.

Shri Biswas: We are in the hands of the House. It almost looks as if, having regard to the pressure of other business, Government may have to adopt Private Members' Bills as their own to get a chance of getting them passed. We are fast approaching that stage.

श्रीमती कमलेन्दुमती शाह : मुझे तो ऐसा लगता है कि इस ढंग से प्राइवेट मेम्बर्स के बिल पास ही नहीं होंगे।

Shrimati Jayashri (Bombay—Suburban): The Minister had suggested that certain changes should be made in the Children's Bill and the Suppression of Immoral Traffic in Women Bill and certain clauses should be added so that it will serve the purpose for which these two Bills are introduced. I remember the Minister had suggested that some such clause as we have in the Bombay Children's Act which says that the State Government may cause any voluntary Home to be visited and inspected from time to time at all reasonable hours by the Chief Inspector of Certified Schools or any member of the existing staff for the purpose of securing the health and welfare of the children and sanitation, some such clause should be added. That was decided on the last occasion. It was also decided on the last occasion that a similar clause should also be added to the Bill for the Suppression

of Immoral Traffic in Women and Children which was introduced in this House.

Th. Lakshman Singh Charak (Jammu and Kashmir): Any other modification necessary should also be made besides this.

Mr. Speaker: If the House is interested in this Bill, as it appears to be, and if time is to be allotted, I think, the whole of one non-official day, that is 2½ hours, will have to be allotted for this. If the House is agreeable, I shall treat that day as a non-official *cum* official day and allow those two official Bills also to be moved on the same day.

An Hon. Member: Which day?

Mr. Speaker: On the same day, say next Friday, if all are agreed.

Then, there is one other course. Immediately one hon. Member may move a motion for reference of this Bill to a Select Committee. Of course, with the consent of the House, I will waive notice. This Bill may be referred to a Select Committee. Hon. Members, both official and non-official, can sit together and whatever has to be added may be added. As an exceptional case, I will allow that day to be used as an official day also, if the Government is not able to find time to have their Bills passed through. There are two Bills on the same subject-matter, one by the Government and the other by the non-official section of the House. This is a peculiar situation and, therefore, I will allow the whole of 2½ hours to be utilised for all these Bills. In the meanwhile, when this Bill is referred to the Select Committee, let Government come with their Bills. Let us see what we can do.

Shri Jaipal Singh: There is only one point with regard to which I am very sorry to say the hon. Minister is misleading us, in saying that the Government Bill covers all this. It does, by no means cover all these things. This Bill has a much wider scope. I fully agree with you and we would have no objection whatsoever to have the whole time on a non-official day to be taken up for these Bills and the Government may bring the two official Bills for consideration along with this.

Shri Biswas: May I make one suggestion with your permission? I, on my part, am quite willing to sit together with hon. Members who have given notice of these Bills dealing with this or any analogous subject and discuss the official Bills along with the Private Members' Bills and then to come to some agreement. Possibly that will help expedite the passing of this measure, which all of us want to see on the statute-book as early as possible.

Pandit Thakur Das Bhargava. The suggestion that has fallen from you is very welcome to us because we know when the Law Minister is there and this Bill is referred to the Select Committee he will mould the Bill in such a way as is acceptable to Government. So, let this go to the Select Committee and let him be a Member of the Select Committee and let him mould the Bill according to the wishes of the Government.

Mr. Speaker: This Bill may go to the Select Committee today. So far as the official Bills are concerned, a motion can be made tomorrow that they may also be sent to the same Select Committee. All these 3 Bills may be considered by the same Select Committee together and ultimately it can be decided which Bill should be taken up here. Then we shall get that Bill through.

Shri Biswas: You can fix a time by which this should be completed.

Shri Dabhi (Kaira North): The priority of the Bills has been decided for two days. Now, if you allow one non-official day to these particular Bills, 2½ hours, then others cannot come up. Whatever time you may allow for these Bills the priority should not be disturbed.

Mr. Speaker: Priority is not of vital importance; it is relative.

Shrimati Kamlendu Mati Shah: If this Bill was not acceptable to Government, why was it allowed in this House?

Mr. Speaker: There is no meaning in that. Any hon. Member may now move a motion for reference to a Select Committee without any further speech. Let this go to the Select Committee and tomorrow the hon. Minister may move both the official Bills to the same Select Committee. The same Select Committee may look into the entire matter and send them back to us. If there is not sufficient time on official days due to pressure of official work, we may take it up on a non-official day. I leave it to the hon. Minister. As he says, he is agreeable to the principle because Government themselves have sponsored those Bills.

Pandit Thakur Das Bhargava: I would like to move it for reference to Select Committee.

Shrimati Kamlendu Mati Shah: I agree with your suggestion, Sir.

Pandit Thakur Das Bhargava: In three minutes I will give you the names of the Members of the Select Committee.

Shrimati Jayashri: There are three Bills—the Children's Bill, Suppression of Immoral Traffic Bill and....

Mr. Speaker: They are not before the House now. I find there is needless discussion on this Bill.

Shrimati Kamlendu Mati Shah: I will give the names of the Members who will be on the Select Committee, a little later.

Mr. Speaker: The hon. Member may kindly pass on the names. We may now take up the next item. The motion for reference to Select Committee may be made a little later.

CONSTITUTION (AMENDMENT OF THE SIXTH SCHEDULE) BILL

Shrimati Khongmen (Autonomous Distt.—Reserved Sch. Tribes): I beg to move:

> "That the Bill to amend the Sixth Schedule of the Constitution of India be taken into consideration."

The House is aware that the Sixth Schedule of the Constitution of India is intended for the administration of the six autonomous districts of Assam. The provision is there to safeguard the interests, land, language, culture and customs of the tribal people. This is a commendable act on the part of the Constitution-makers and of Indian statesmanship. It is the intention not only of the people, enjoined in this provision, but the people of India as a whole to see that the scheme of the district autonomy provided under the Sixth Schedule really becomes a success. As the House is aware, in five of the districts this scheme has been under operation for the last four years. It is unfortunate that the sixth district, namely, the Naga Hills District, so far has not taken to it kindly.

I would like to tell the House that as a result of the working of this scheme, many good things have been attempted and have been done in these five districts. The people of this area are gaining experience in this new democratic self-rule. With more experienced, of these District Councils, I have no doubt, will do still better. However, on the basis of the experience gained by those who are responsible for the working of these District Councils, they feel that in order to achieve the object for which special provision was made, the Sixth Schedule needs improvement by way of amendments as proposed in my Bill. I do not claim to be a constitutional expert or that all that I have suggested would be acceptable to this House straightaway. I am open to be convinced of any improvement that may be suggested for fulfilment of the broad objective I have mentioned before.

With these few words I now propose to give a broad outline of the provisions of the Bill.

First of all, I have suggested that for any modification or alteration of the District Council's boundaries, the consent of the District Council should be taken. Secondly, the provision of the North Cachar Hills and Mikir Hills Council should be modified to make room for an elected Chairman,

and the existing veto power should go. So far as land is concerned, in the matter of acquisition and settlement of land, I am suggesting more powers for the District Councils. With regard to legislation that may be passed by the District Councils, I am suggesting that when a Bill is sent for a second time to the Governor, the assent for such a Bill should not be withheld by him.

The particular areas, in which the Sixth Schedule is in operation, are undeveloped areas due to the neglect of our past rulers. In order to develop these areas, the District Councils must have strong financial backing. With a view to give the District Councils an assured income, I am suggesting certain statutory provisions for strengthening the finances of these Councils.

I have also suggested that prospecting licences and mining leases for extraction of mineral resources in the tribal areas should not be granted without the consent of the District Councils.

I am sure that it is not only that I am anxious but also the House is equally anxious that the tribal people of the autonomous districts get proper representation in the State Cabinet in order that they may work for the well-being of the tribal people. I have suggested some obligatory provisions towards that end. I have also suggested that the jurisdiction of the Assam High Court should be extended to certain cases decided by the district or village courts. I have also suggested that no law should be made applicable without the consent of the district councils.

4-01 P.M.

[SHRI BARMAN *in the Chair*]

There is one more point. The municipal area of Shillong is not under the jurisdiction of the district council concerned the district council of united Khasi and Jaintia Hills. I have suggested that this area should come under the jurisdiction of that district council.

The Constitution provides for the appointment of a commission to enquire and report about the working of the district councils in the autonomous region. I have suggested that before such reports are placed before the State Legislature, the view of the district councils shall be obtained. I am sure the House will realise the difficulties that one encounters while working in that area according to the provisions of the Sixth Schedule. I, therefore, earnestly request the House and the Government to come to our help and accept this amendment.

Mr. Chairman: Motion moved:

> "That the Bill to amend the Sixth Schedule of the Constitution of India, be taken into consideration."

Shri L. Jogeswar Singh (Inner Manipur): Sir, I whole-heartedly support the Bill which has been moved by Shrimati Khongmen. But, I want to have a more comprehensive Bill introduced by the Government. For the time being, I feel that this Bill may be held over till the discussion on the Constitution (Ninth Amendment) Bill is taken up. There it has been elaborately dealt with—the question of administration of these district councils. There is also the question of linguistic minorities which has been dealt with in the S.R.C. Bill. So, unless and until these Bills are discussed in this House, there is no use of proceeding with this and so I suggest that this may be held over till that time.

The Prime Minister announced yesterday that he was anxious to give more powers to the autonomous district councils. In the autonomous districts of Assam, there are many linguistic groups. Every district has got its own language and its own dialect and these are to be safeguarded.

The district councils have not been given full powers so far as financial matters are concerned. Development programmes such as the construction of roads, digging of wells and tanks, etc. have to be taken up there, more especially in the hill areas where these district councils are functioning. They will have to be given the first priority. But the provisions as they are in the Sixth Schedule are not

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very satisfactory or adequate and they do not give adequate powers to the district councils to utilise money. The Governor has, at the same time, over-riding powers above the district councils. Wider powers should be given to the district councils. Otherwise, it will not be possible for them to undertake these development programmes and work them out satisfactorily. Now and then, they have to refer to the Assam Government and the Assam Legislature.

According to the Constitution, district autonomy is given to certain hill districts in Assam. There are six such districts. In one district, the Naga district, no council is functioning. In the case of the other districts, the district councils are functioning. There are certain difficulties in the way of their working and Shrimati Khongmen has brought in this Bill to remove them. I hope this House will also realise the difficulties which are experienced by those who are working in the district councils.

I would suggest that this Bill may be held over till the Constitution (Ninth Amendment) Bill comes before this House and we discuss the SRC proposals contained in that Bill. There will be full discussion about the future set-up of the district councils, district autonomy in Assam, etc. There was also a suggestion to appoint a commissioner to supervise the activities of the district councils in Assam. There is also the question of putting in some safeguards for the linguistic and other minorities. This Bill should be taken into consideration when the Constitution (Ninth Amendment) Bill is taken up for discussion here. I appeal to the Government to see that the intention of the Mover is carried out in that Bill so that the handicaps and difficulties experienced by those who are in charge of the district councils are removed. I support this Bill.

The Prime Minister and Minister of External Affairs and Finance (Shri Jawaharlal Nehru): Mr. Chairman, I am placed in some difficulty because I have every sympathy with the hon. lady Member who has brought this Bill forward, and I have every desire to further the cause which she has at heart. But, I do feel that amending the Constitution in this rather piecemeal way, in regard to an area which is very much before our minds and about which we want to do something, may not be a very desirable method of progress.

Only yesterday, we were discussing in this House the problem affecting the Naga Hills district. The hon. lady Member's Bill affects the Sixth Schedule and several of the autonomous districts there. I have no doubt in my mind that the Sixth Schedule has got to be amended. How it is going to be amended, I cannot exactly say. As a matter of fact, in this report of the States Reorganisation Commission there is, if I may say so with all respect, an omission and a gap dealing with these matters. I do not think it was an intentional omission in the sense that they deliberately did not deal with this matter. But, as far as I know, they were rather hustled at the end and they wanted to present their Report by a certain date they had undertaken to do and they did not want to deal with this question in a hurry. Anyhow, this matter has not been so fully considered by them there as we had hoped that it might be, although it is really a part of that larger problem. So we have to consider this in this larger perspective and consider more especially the Sixth Schedule.

I submit to the House and to the hon. lady Member that this larger consideration would be affected very much if we go ahead in a piece-meal way which may not fit in. I cannot for the present say whether some of the suggestions made in this Bill would fit in with any larger consideration. They may fit in, some of them; maybe, some other series of changes or amendments might be suggested. Therefore, as I said, Sir, I am in this difficulty, because I do entirely sympathise with and support the broad objective she has. But I fear I cannot support an amendment of the

Constitution, which is a serious matter, in this rather piece-meal way.

Mr. Chairman: After heaving the speech of the Prime Minister, may I know the reaction of the Mover of the Bill?

Shrimati Khongmen: Sir, in view of the sympathy expressed by the hon. Prime Minister, and also in view of the assurance given by him that he will look into this, I beg leave of the House to withdraw my Bill.

Mr. Chairman: Has the hon. Member leave of the House to withdraw the Bill?

The Bill was, by leave, withdrawn.

CRIMINAL LAW AMENDMENT BILL

Shri M. L. Agrawal (Pilibhit Distt. *cum* Bareilly Distt.-East): I beg to move:

> "That the Bill further to amend the Indian Penal Code, 1860, and the Code of Criminal Procedure, 1898, to provide for the abolition of capital punishment, be taken into consideration."

Sir, I consider it a privilege to have been allowed an opportunity to introduce this Bill and now to move for its consideration. Nobody can gainsay that the subject is of very great importance. Although the subject admits of making a great appeal on emotional grounds, I would refrain from doing so and try to convince this hon.. House on sheer merits, and I expect this hon. House also to bear with me and consider the subject dispassionately, with due solemnity and come to a decision on the merits of the case.

In this connection, Sir, I was not a little surprised and pained to find that the hon. Minister in the Ministry of Home Affairs, Shri B. N. Datar, on the 21st April, 1956, in replying to a supplementary on Starred Question No. 1633 permitted himself to make a casual remark: "there are other noughty considerations on account of which it is not possible at this stage to take up the question of the suspension of the death sentence when nearly 9,000 murders are taking place every year in India." I presume that the hon. Minister knew that this Bill was pending, and it would have been better if he had refrained from permitting himself to have made this remark without hearing the views of the House. I regret this remark very much and I hope the hon. Minister would also regret it.

Before going into the merits of the Bill, I would like to say briefly the position with respect to death penalty in the world. In Europe capital punishment has been abolished or allowed to fall into disuse in Austria, Belgium, Denmark, Finland, Holland, Iceland, Italy, Luxembourg, Norway, Portugal, Rumania, Sweden, Switzerland, and West Germany; and for murder, the USSR. Six American States are without death penalty and 9 American States have restored it after they have abolished it, the abolition having remained from 2 to 28 years.

Shri Feroze Gandhi (Pratapgarh Distt.—West *cum* Rae Bareili Distt.—East): Sir, there is no quorum in the House.

Mr. Chairman: The bell is being rung. Now there is quorum. The hon. Member, Shri M. L. Agrawal, may continue.

Shri M. L. Agrawal: Sir, in 12 of the South American States capital punishment has been abolished. In the British Commonwealth only Queensland is without it. New Zealand abolished capital punishment in 1941 but re-introduced it in 1950. There is again going to be a referendum to decide the position finally.

It would appear that in the American States there has been a slow progress in the movement for abolition. It is due perhaps to the influence of Great Britain that we may, in a measure, attribute the slow progress of the abolition movement in the American States.

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Penal legislative policy in England was till recently dominated largely by the same classes of well-born and well-to-do which resisted the reform of the penal law a century ago. Penal policy in the U.S.A. is in much the same degree influenced by the legal profession with its natural conservatism re-inforced by a veneration for English law and procedure. Even in those countries having capital punishment, the law was nullified by the decision of the jury who refused to convict anyone for this offence.

Before discussing the position in the United Kingdom, I may just mention why some of the States in the U.S.A. first abolished capital punishment and then restored it. In this respect, there was a Royal Commission appointed in England, in 1949, and it presented its report in 1953. It made enquiries in England and in other countries, and in America, they have recorded their decisions about this matter in these words:

> "Professor Thurston Sellin of the University of Pennsylvania, Secretary-General of the International Penal and Penitentiary Commission thought that the main reason for the restoration of capital punishment was always the same. Something happened which aroused popular feeling, probably quite irrationally, and the legislature rushed into imposing the death penalty. He added that if we look at some of the States that abolished the death penalty round about 1914, we find that they restored it during the demobilisation period. There were things happening then, and it was assumed that it had been a mistake to abolish the penalty and they re-introduced it; yet, the homicidal rates of later years indicate that there was no relationship between the two".

So, the reason was not that they thought that the abolition of death penalty has led to an increase of murders, but that there were other reasons.

In the United Kingdom, the position has had a chequered history. There were 222 offences including cutting trees, stealing five shillings, stealing a handkerchief, etc., that entailed the death penalty. In the reign of Henry VIII, there were 72,000 public hangings for theft.

It is nearly 90 years ago that a Royal Commission was appointed, that is, in the year 1866, and it was manned by 12 persons. Five of them recommended the abolition of capital punishment while all the 12 recommended degrees of murder to be introduced so that in every case there may not be hanging.

Public executions were abolished in 1868. By a series of enactments like the Infanticide Acts of 1922 and 1938, Sentence of Death, Expectant Mothers Act of 1931 and the Criminal Justice Act of 1948 and the granting of reprieves by the Home Secretary, capital punishment has become very rare.

Between 1866 and 1949, several Parliamentary committees and Royal Commissions have been investigating into this matter and made their recommendations including abolition and suspension of death penalty for an experimental period of five years.

It was in 1948 that during the course of discussion of the Criminal Justice Bill, Mr. Sidney Silverman had introduced what has become now his famous clause, namely, that death penalty should be suspended for five years. He was a private Member. That clause was not agreed to by the Lords and the Commons did not insist upon its retention. In the meanwhile, the Royal Commission had been appointed. It was appointed only to consider the policy of death penalty, and it assumed that the death penalty

would remain. But, they were to find out whether it could be modified so as to reduce the number of hangings. Their report was discussed in 1955 on a motion made by the Government. At that time also, an attempt was made to introduce the abolition of capital punishment but that also failed. Then, Mr. Sidney Silverman again introduced a one-clause Bill. That also was not admitted. Finally, the Government introduced a resolution in 1956 and to that resolution, Mr. Ede moved an amendment, and that was carried by virtue of which it was decided by the Commons that the death penalty would be suspended. The Government promised that it would respect the decision and introduce legislation. Later on, they said that it will be done through a Private Member's Bill.

Mr. Sidney Silverman again introduced a Private Member's Bill for abolishing the death penalty and that was passed by the Commons. But the Lords rejected it. Of course, they can delay it but not kill it. They can delay it for one year; and I am sure that after one year, the Bill would be passed by the British Parliament as a whole.

Very recently, on 9th May, 1956, a new Penal Code for Poland was published, by virtue of which death penalty was abolished in Poland.

Coming nearer home, I might mention Ceylon. The Ceylon Government decided to suspend death penalty for three years. On the 16th February, 1956, Mr. S. N. Evans twitted this country and its Prime Minister in the House of Commons on this question. He said:

> "Let me turn to what, in ideological jargon, is now described as the uncommitted part of the World India. How many times have I heard my Right hon'ble Friends assert that Mr. Nehru is the most enlightened humanitarian statesman in the world today? But Mr. Nehru has not done away with capital punishment".

Speaking in this House, during the last session, the hon. Home Minister said:

> "Our country is more peaceful than any other country in the world. The number of cognizable crimes committed in this country was the lowest in the world. It was 1,407 per one lakh of the population in U.S.A. 980 in the United Kingdom, 802 in France, 235 in Ceylon and 154 in India. The number of murders per one lakh of the population came to 3·7 in France, 5·9 in Ceylon, 4·2 in USA and 2·7 in India.
>
> In the matter of serious thefts, the figure for India was 48·8 as against 364 for the USA and 171 for the U.K.."

With this state of affairs, it is a challenge to our Government to show why if any country, even a country physically and morally in shambles as Germany was in 1948 could abolish the death penalty without any ill effects, this country of ours, the land of Lord Mahabir and Buddha—and of Mahatma Gandhi, the apostles of peace and Ahinsa and of humanitarians like Shri Nehru and Pandit G. B. Pant and a country which the hon. Home Minister only the other day proved to be the most peaceful and civilised among the nations of the world, should need the continued protection of the hangman. The greatest argument against the abolition of death penalty is that it is a deterrent. It is no doubt a deterrent, but we have to see if it is a deterrent which is unique and which cannot be replaced by any other punishment. Persons who have considered this problem have come to the conclusion that, just as is found in the countries in which death penalty has been abolished, life imprisonment is equally a good deterrent. That it is not a deterrent, but on the contrary it is a slight encouragement for murder, has been found by many authorities. The

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greatest of all living psychologists, Dr. Jung, is of opinion that on the whole, capital punishment is a slight encouragement to murder rather than a deterrent. During the debate on the Criminal Justice Bill, Lord Stansgate said "public hangings were abolished in Great Britain in 1868, because it was found that instead of preventing murder, they actually incited people".

It will be clear that death penalty is not the unique deterrent that it is made out to be. A hundred years ago, the Select Committee of Parliament reported in 1836 as follows:

> "We are induced to believe that selection of a few culprits who alone are to suffer death out of a greater number convicted for the same offence does not diminish but on the contrary tends to increase the number of offenders."

So, it is wrong; it is a prejudice in the minds of the people that death penalty is a deterrent which has no equal. There have been many examples in England about such incitement. I would not go into details; I will give only a few names: Majoram, Rhodes, Heath, Thomas Wicks etc. Those were the persons who were led to commit murder by incitement by witnessing public hangings and executions. According to Rev. Roberts of Borstal, out of 167 convicts under the sentence of death, whom it had been his duty to visit, with the exception of 3 only, the rest admitted to have been present at and having witnessed at least one execution. So, it is not a fact that a man is deterrent by seeing public execution or hearing about it.

The next point is that death penalty is an extremely severe penalty. Punishment should be severe, but it should not be oversevere. Severity defeats its own purpose. In the reign of Henry VIII, 72,000 thieves were sent to the gallows. In the reign of Elizabeth, the virgin, 19,000 criminals perished at the end of the rope. But there is no record in contemporary chronicles of any diminution in the incidence of crime. There is an interesting example. In 1830, when death was the penatly for forgery, a petition signed by 725 bankers from 214 cities and towns was presented to the Parliament praying:

> "That your hon. House will not withhold from them that protection to their property which they would derive from a more lenient law."

Capital punishment is, after all, a selective penalty. We do not hang boys; women are immune generally from this punishment. Drivers on the roads commit so many murders, but they are not hanged. Then, there are persons who attempt to commit murder and fail; those persons are equally dangerous, but they are not convicted and put to death. Therefore, it is after all a selective remedy and it cannot have that effect which death penalty should have.

The next point is about certainty of punishment. If it is certain that all offenders would be hanged, then it may have some deterrent effect; but it is not so. When death penalty was inflicted for minor offences, people preferred to get themselves tried on capital charges, because the chances were that they would be let off when they were tried for a capital charge and they were certain that the juries would not convict them to death. There are many examples to illustrate this point, but I would not take up the time of the House by giving all these examples. The hon. Home Minister said that 9,000 murders are committed every year in this country. Every murder committed and every man hanged is an argument to show that death penalty is not a deterrent; because, if it were a deterrent, he would not have committed that murder. Therefore, I submit that it is a totally wrong argument to say that death penalty is a deterrent.

We have to see what is the percentage of the persons who commit murder. If you abolish the death penalty and even give a reward for committing murder, a vast majority of the persons would not commit murder. The vast majority of the people are such that they will never commit murder. Only a small fraction of persons are of that nature as to commit murder for gain. Mostly, people get suddenly provoked, fly into passion and without considering the consequences, commit murder. The percentage of such murders is very high. When a man is in that state of mind, how can he consider the effect of death penalty? He would not consider it. Mr. M. J. Sethna, Ph.D., Bar-at-law, has found that psychopathic and emotional people accounted for 73·72 per cent. of the murders while 26·28 per cent. of the murders were accounted for by the professional murderers. This is a small fraction. Let us also see how many of such murderers are actually brought to book. Mostly they escape detection. Some of them are acquitted and some get transported for life and ultimately only a limited number—a very small number—of them suffer the death penalty. We should not, for this small number, continue this penalty which, I think, is a vestige of barbarism and disgrace to this country.

It is said that fear of death prevents men from committing murder. The fear of death should be of immediate, certain and irrevocable death and not of death at some undefined period of time, because the difference between the two is of great proportion. Everybody knows that he will die when he is doomed to die, but should he then always go about in fear of death? During the air raids in London, there was no wholesale evacuation of towns and cities. Therefore, the risk and fear of death is only of immediate death which comes about when a man is about to be hanged; not before that. Before that he thinks he can escape detection as that is his only hope. If he cannot escape detection, he will not commit that crime.

Then it is said that people do not unnecessarily risk death. People do risk death. They may risk death for ideals, from patriotic fervour, in the cause of achieving some form of fame and in a personally hedonistic pursuit. We have heard the stories of many such peoples. We have examples of people who have risked death in climbing high mountain peaks, in arctic exploration, in flying aeroplanes etc. Recently, we had the example of one English frogman who risked death and the other French birdman M. Leo Valentin who also risked death. Then we see that in unlawful assemblies people face bullets for some objects. We have the recent examples of the Kaika firing and the Ahmedabad firings. They show that persons are not afraid of death and they do risk death. They face bullets. Death is not such a frightening thing that man would not face death. So much for the fear of death.

Now we come to the most important point, its deterrent aspect. What are the statistics? The Minister in the Ministry of Home Affairs, Mr. Datar, stated that 9,000 murders are committed every year. What of that? What does it show? Does it show that this number is due to the presence on the statute book of the death penalty? That is not the reason. Here there were no investigations. There have been investigations in other countries. First there was death penalty existing in those countries and then it was abolished. The death rates prior to abolition and after abolition were considered and it was found that there was no increase in the death rate. Therefore, it cannot be said that death penalty causes diminution.

Now I would give the authority of that same Royal Commission presided over by Sir Ernest Gower.

> "We agree with Professor Sellin that the only conclusion which can be drawn from the figures is

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that there is no clear evidence of any influence of the death penalty on the homicide rates of the states. The general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rates or that its re-introduction has led to a fall."

In 1948 flogging was abolished in the United Kingdom. Mr. Eden, Home Secretary, in a later debate said in the House of Commons:

> "The astounding thing is that crimes of violence which are previously punished by flogging have decreased."

I think this should be our experience also sometime hence. Regarding abolition of whipping he said:

> "The prophesies that were made that this would lead to a great increase of crimes for which flogging was the punishment have been completely disproved."

As I said, in the United Kingdom, capital punishment was for 222 offences and every time an attempt was made to abolish capital punishment for some offence, there was an outcry that life and property would become insecure. But when death penalty was abolished, these fears were falsified.

It may be said that these examples which I have cited are examples from other countries and not from India. Unfortunately, we have not made any researches in this direction. We have not made any statistics over this matter. I asked for many figures and statistics from the Home Ministry. They have supplied some. But they have no bearing on this aspect of the question. But I say, if we treat murder as prompted by basic emotion that basic emotion is common to all countries, to all human beings, whether they are in England or in India and, therefore, no question arises as to whether things would be very much different in India. I think that if investigations are carried out and figures are collected, the same experience would be obtained.

So, coming to that example, coming to that result found by the Royal Commission that death rate does not increase on abolition of death penalty, I would submit one thing for consideration. If you drive a motor car and it runs at exactly the same speed whether the brakes are off or on, surely it is an indication that the brakes are not working. Therefore, if the death rate is constant, it shows that the death penalty does not act as a deterrent. Whether the death penalty is there or not, the same result would follow.

Then, we must not give too much emphasis on the deterrent effect of death penalty because to make the results of wrong doing so unpleasant to A that B will be frightened into a negative sort of virtue, is only a poor achievement, but it is psychologically unsound, for in this way you only suppress the outward expression of the evil desire, and the desire itself remains to work itself out in other ways. The real task for society should always be to remove the root causes of crime. By placing the emphasis upon the criminal rather than upon the various forces which go to make him what he is, a retributive punishment actually hinders the accomplishment of this fundamental aim.

Then, over and above the most important point of deterrence, death penalty is defended on other grounds. There are three other grounds: theory of elimination or social hygiene argument, theory of prevention and theory of retribution. As regards the theory of elimination, I would submit that it is absolutely unscientific because we cannot eliminate all our bad persons. The theory says: why should we keep a man who is unfit to live in the society, who is a menace to the society? Should we do away with those persons? If we just extend this

theory, we will see that there are so many other persons suffering from great diseases, loathsome diseases incurable diseases etc. We do not kill all of them. We just find shelter for them in asylums and provide treatment for them. So, this is a very inhuman opinion and is not applicable to our case. Then there is the theory of prevention. I would, of course, admit that death penalty is a complete prevention. A man would not commit murder after he has been hanged. But it has been found again by the Commission that those persons are good men and the Commission has reported in 1953 that between 1934 and 1945, 156 men and women were reprieved, after having been sentenced to death. Of those only one was arraigned for a second murder.

This was the testimony also of Mr. Ede (Ex-Home Secretary of U.K.). He said:

> "I hope that the experience of Mr. Lloyd George would agree with mine that the ordinary murderer who is reprieved is the mildest mannered and best behaved inhabitant of Her Majesty's prison and presents very little difficulty indeed."

Our Prime Minister Shri Jawaharlal Nehru also speaking in the Lok Sabha on 28th May, 1956, said:

> "I can find an excuse for a murderer but not for a person who throws stones. A person in a fit of passion may commit murder I have lived with many murderers in the prison—rather I got to like them."

This supports the testimony of Mr. Ede.

I submit that neither on the theory of elimination, nor on the theory of prevention it is good to retain the death penalty. Coming to the last question of retribution, the idea of punishment of any type solely to get even is gradually disappearing, together with the other older unscientific criminological concepts. It is theoretically primitive and it ignores social responsibility and disregards the possibility of reformation. The further becomes our insight into the springs of human conduct, the more impossible does it become to maintain or justify this antiquated doctrine of retribution. I have tried to show to this House that these theories do not help for retaining the death penalty.

There is another aspect also. What do we do when a man commits murder? He is prosecuted. Some witnesses are produced. Some of them may be lying. Some may only be circumstantial. Sometimes, conviction takes place on circumstantial evidence. The Judges try to come to a decision on a comparison and sifting of evidence, and on the balance of evidence on either side. They try to approach to certainty. That can never be attained in practice. There have been cases in which it has been found that a man who never committed any murder was hanged. When a man is sent to prison or some other harm is done, he may be compensated. But, death admits of no compensation because the man is not there to receive compensation. This is what Lafayette said:

> "I shall ask for abolition of capital punishment until I have the infallibility of human judgment demonstrated to me."

There have been cases in other countries where a man has been convicted wrongly. I would not take the time of the House in going over all these cases. I would give only a few names: William Habron, Brighton Murder case, Timothy Evans, Derek Bentley. These men were hanged while it was found that they were innocent in the U.K. where the judiciary is highly developed and there is no chance of mistake.

There was another recent case in which a policeman was attacked. But, he did not die; fortunately he recovered. If that policeman had died, three innocent men would have been hanged. Nobody would have

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admitted that he had been concerned in the offence, if these men had been convicted or murder, as later two men did admit and the men would have been hanged. This is a great danger. These cases are not only in England; they are in other countries also: in U.S.A., in Germany, Hungary, Holland, Austria. It is true that I am not able to give any Indian cases. But, as I said before, we have not made any researches in this direction.

Here is a very interesting case given by Mr. Paget in the House of Commons. He gave a definite example. Two citizens of Brooklyn and of Massachusetts—these are two States in the U.S.A.—were charged in their respective States with the same murder. It was common ground that murder was committed only by one man. On the same evidence, Brooklyn jury found the Brooklyn citizen and the Massachusetts jury the Massachusetts citizen guilty of the same murder. This is about the limit. Such mistakes do happen and it will be a great consolation if on this and no other considerations the death penalty is abolished. It is true that such chances are rare. But, the chances are there. A witness before the Royal Commission showed prescience when she said:

> "I think it would be conceded that there might be a case where nobody would get the scnitilla of doubt because the fact that would give rise to that doubt was not known at that time."

On this subject, Lord Samuel went to the heart of the matter in his evidence to the Select Committee. He said:

> "I do not think that one can ever say that no innocent man has been executed for murder in the past, nor can we have an absolute assurance that no innocent man will be convicted and executed in the future. The odds are thousands to one against it, but that is no consolation for the one."

Even if one man is wrongly executed, it is a matter of great shame.

As I began, capital punishment is due to our prejudice and due to wrong traditions. There was a time when various kinds of torture used to be inflicted to kill a man for murder—I would not mention all—stoning to death, hurling down from great height, sewing the murder in a bag with a viper, a dog and an ape and throwing into water, the spanish inquisition,flaying alive, disembowling and evisceration, drawing and quartering, etc. These are very bad things. Our conscience is shocked to hear that such things were happening in the past. They were for such petty offences like shooting a rabbit, forging a birth certificate, theft of a pocket handkerchief, association with gypsies, adoption of disguise.....

Mr. Chairman: These are things of the past.

Shri M. L. Agrawal: But, whenever any attempt was made to soften the rigour of this law, it was always opposed. I shall give only one example. In 1913, Sir William Garrow, the Solicitor General actually opposed the abolition of drawing and quartering, a cruel thing. He said:

> "Can Government exist without such protection? Are the safeguards, are the ancient land marks, the bulwarks of the Constitution, thus hastily to be removed?".

In 1932, Sir Robert Peel opposed a Bill to abolish capital punishment for stealing over five shillings from a dwelling house. He looked upon this as a most dangerous experiment. In the Lords, Lord Ellenborough, the spirited defender of Warren Hastings, —he was a famous Lord Chief Justice of England—said:

> "I trust your Lordships will pause before you assent to an experiment pregnant with danger to the security of property and before you repeal a statute which has so long been held necessary

for public security. I am convinced with the rest of the Judges, public expediency requires there should be no remission of the terror denounced against this description of offenders.

"My Lords, if we suffer this Bill to pass, we shall not know where to stand, we shall not know whether we are upon our heads or our feet. Repeal this law and see the contrast. No man can trust himself for an hour out of doors without the most alarming apprehensions, that on his return, every vestige of his property will be swept off by the hardened robber."

This was the opposition to such small things. I think persons who oppose the abolition of death penalty are in the same tradition. They also do not like a change or innovation. But twenty years hence they will find that their decision was not proper.

5 P.M.

Apart from these things, death penalty imposes an odious and degrading work on the executioners. We shun them. We do not consider them to be of the same social status. Even those persons who like death penalty would not like to associate with the hangman and the executioner.

Pandit Thakur Das Bhargava: Even if electrocuted?

Shri M. L. Agrawal: That does not make any difference. I will come to that point if necessary.

The press publicity also is very injurious, at least mostly to the young minds, and it was for this purpose that we introduced in the House a Bill for abolishing horror comics. Young men take to these things and imitate crime. On this ground also, it is desirable to stop this kind of punishment.

I also wish to put before the House the feelings of the persons whose relation is to be executed. If you put a man to death, it does not alleviate the sufferings of the persons whose relation was killed, but it causes unnecessary suffering to the relations of the persons to be put to death. Stacey Aumonier has described very well the feelings of the persons related to the doomed man:

"Have you ever tried to visualize the feelings of a mother on the night before her boy is to be hanged? (And no crime is going to curb maternal love; rather it will make greater claims on the protective instinct). The agony and horror which you and I representing the State must inflict on this perfectly innocent woman must be more terrible than any pain the murderer can inflict on his victims. And as with the mother, so may it be with the wife, the lover, the sister, the father, the brother, the children and the loyal friend. To all these people life must become numbed and meaningless at the time and for ever after a haunted wilderness, where the demons of revenge for ever lurk."

In the Indian epic the *Maha Bharata* there is a very interesting and excellent discussion between King Dyumatsen and his son Prince Satyavan as regards the justification or otherwise of the capital punishment. The arguments of the Prince are strong against criminal punishment. The Prince asks: "Why penalise the unfortunate wife and children, parents and relatives of the offender by killing him? Why put an end to all chance of reformation by destroying the prisoner. Again, it is seen that good children sometimes spring from wicked persons, so why deprive the world of this advantage?"

So, on whatever ground you may consider it, death penalty is not proper for this country.

Then there is the question of sanctity of life and reformation. In this connection I would like to quote one or two views. The Archbishop of Canterbury in 1948 said:

"Within the Church itself always and in the world so far as practicable, the law of love, with all its

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power to forgive, to convert, to reform and to refashion must permeate and shape the law of punishment."

So long as convicted murderers are alive in prison, there is a double chance, first that any mistake can be rectified and secondly they themselves can be reformed.

The late Archbishop Temple said:

"I believe that the example of the State taking life even when it only does so in return for a life already taken, does more to lower the value of human life in the minds of the citizen than the deterrent influence of this penalty can do to protect the lives of the citizen. In this way I believe that the main influence of the retention of the death penalty is rather to increase than diminish the number of murders."

Mr. Ede, Home Secretary in the Labour Government said:

"Those of us who believe that we live in the New Dispensation cannot get away from the emphatic repudiation of the doctrine by the founder of the Christian Faith (the doctrine of an eye for an eye and a tooth for a tooth)."

"Ye have heard that it hath been said an eye for an eye and a tooth for a tooth. But I say unto you that you resist not evil."

This occurs in the great manifesto of the Christian faith, the Sermon on the Mount.

In 450 B.C. the Roman State abolished capital punishment. Five hundred years later an attempt was made to revive it. Cicero reacted to it in this way:

"Far from us be the punishment of death, its Ministers and its instruments. Remove them not only from the actual operation on our bodies, but banish them from our eyes, our ears, our thoughts, for not only the execution, but the apprehension, the existence of the very nature of these things is disgraceful to a free man and a Roman citizen."

This is a passage from Professor Hentiq:

"The State can only put real life into the inviolability of life, which it continually and rightly advocates in its reasons for condemning murderers and in its laws, if it sticks to its own principle through thick and thin. If the unbridled despot bows down to the holiness of life, then it has found and brought into use the strongest of all suggestions. Thus I see in capital punishment a means of punishment whose advantages can be obtained by other means and whose disadvantages can be prevented in no other way than by abolishing it. It is an insufficient means of punishment to which must be added the possibility of judicial error, which we cannot exclude."

This is the last on this subject by Max Grunhut:

"The maintenance of capital punishment as an instrument of ordinary legal system can only discredit the declared aim of penal reform that the criminal's readjustment should be the supreme purpose of punishment. The State and community ought not to answer the criminal with his own weapon, destruction, even when they have to resort to force their action should express the higher values of law and justice. For this reason they should apply a punishment which does not *per se* prevent the culprit from overcoming a realisation of ethical values, even, if he may realise this only by strenuous work and the fulfilment of duties within the narrow world of a prison community."

I have shown that the burden is on those persons who are for retaining death penalty to show that it is

deterrant and a unique one. So far there is no evidence to show that it is deterrent. Their motto appears to be expressed in this paradox: "It is wrong to kill. The murderer has killed. Let us kill the murderer." Although they themselves say that it is wrong to kill, since the murderer has killed they want now to take revenge. That is their stand which is not logical.

I would conclude by giving a few opinions about this capital punishment, one or two from other countries and three or four from eminent jurists of our own country. Sir Ernest Gower was Chairman of the Royal Commission. He has written a book *A Life for a Life*. After the report of the Commission was presented to Parliament Sir Ernest Gower who was at first a retentionist himself became converted to the other side and he has written this book in which he has given his opinion. I think you will permit me to quote his opinion because it is authoritative:

> "Before serving on the Royal Commission, I like most other people had given no great thought to this problem. If I had been asked for my opinion I should probably have said that I was in favour of the death penalty and disposed to regard abolitionists as people whose heart were bigger than their heads. Four years of close study of the subject gradually dispelled that feeling. In the end I became convinced that the abolitionists were right in their conclusions, though I could not agree with all their arguments, and that so far from the sentimental approach leading into their camp and the rational one into that of the supporters, it was the other way about. All I can say is that, to me, what I have called the 'Old Testament' dogma of 'a life for a life' makes less appeal emotionally than does the 'New Testament' dogma, which forbids the taking of life by way of retribution.
>
> For me, therefore, the burden of proof lies with the supporters of capital punishment. It would be difficult to say just what it was that converted me to this view; it was the cumulative effect of many things, including such considerations as the right approach for a professedly christian people, the manifestly objectionable, not to say, repressive features of capital punishment, and the morbid interest, they excite, the possibility, however small, of hanging an innocent man, and the large part that the element of vengeance seems to play in the demand for capital punishment. Perhaps, the turning point was when I learned what a large number of applications there were for the post of hangman. Any State institution, I thought, that inspires ambitions of that sort in its citizens, and satisfies some of them, surely does need to justify itself on utilitarian grounds."

Mr. Justice Frankfurter of the Supreme Court of the United States of America says:

> "I am strongly against capital punishment for reasons that are not related to concern for the murderer or the risk of convicting the innocent and for other reasons and considerations. When life is at hazard in a trial, it sensationalises the whole thing almost unwittingly; the effect on turies, the Bar, the public, the judiciary, I regard as very bad. I think, scientifically, the claim of deterrence is not worth much. Whatever proof there may be in my judgment does not outweigh the social loss due to the inherent sensationalism of a trial for life.".

Then, Lord Templewood says:

> "The death penalty surrounds with an atmosphere of unhealthy melodrama a particular form of crime and leaves the mark of Cain on the family of the executed man. However carefully the death penalty is inflicted, State execution is a repulsive proceeding.

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> Capital punishment is objectionable, because, first, contrary to modern developments of penal reform, it abandons the possibility of reforming the murderer; secondly, being irrevocable, it gives no opportunity for reversing a wrong sentence; thirdly, it places a hateful duty on all who take part in an execution; and fourthly, it lowers the moral standard of the whole community.".

Now, I come to some of the views held by prominent Indians. Dr. Sampurnanand, Chief Minister of Uttar Pradesh, speaking in the Legislative Assembly of Uttar Pradesh, recently said that he was in favour of abolition of capital punishment.

The issue of capital punishment in India was raised forcefully by the late lamented Speaker of the Lok Sabha, Shri G. V. Mavalankar, in June 1954, when he described capital punishment as the last vestige of colonialism. The opinion of the late Shri G. V. Mavalankar was enforced by the Solicitor-General of India, who held that the death penalty had never been a deterrent.

The Hindustan Times, a leading newspaper of this country, wrote on this subject as follows:

> "There is a very strong case both on moral and criminological grounds for re-examination of the whole policy in regard to death penalty. Perhaps, in the circumstances of the country, capital punishment could be restricted to very extreme cases.".

I am not certain, but I think our great jurist, Dr. Katju, the Defence, Minister also, is of the view that death penalty should not be retained.

Lastly, I shall give you Gandhiji's views.

Writing in the *Harijan*, on March 19, 1937, he said:

> "I do regard death sentence as contrary to Ahimsa. Only He takes life who gives it, All punishment is repugnant to Ahimsa. Under a State governed according to the principles of Ahimsa, therefore, a murderer would be sent to a penitentiary and there given every chance of reforming himself. All crime is a kind of disease and should be treated as such.".

I would not like to take more time of the House. So, I shall now sum up. I cannot convince myself that the people of my country are so much deterred or frightened by severe punishment, or so much more inclined to commit violent crime, than all the people of all those foreign countries, that the result of abolition would be different in this country

I am convinced that the retention of capital punishment is a retrograde action today, and abolition would be a great step forward along the road of civilisation and humanity. I am certain that we in India shall surely follow the enlightened example of countries which have abolished capital punishment, and relegate the hangman and the horrible tools of his trade to the barbarous past.

The Home Minister abolished whipping, following the example of United Kingdom. He has introduced in this House a Bill to stop horror comics, which *inter alia* lead to imitative crime, again, following the example of Great Britain. The Home Minister, in his Bill seeking to abolish whipping, gave the following grounds in the Statement of Objects and Reasons:

> "Whipping as a punishment for criminal offences is outmoded. Most countries have abolished whipping. Whipping is a barbarous form of punishment, which has no reformative value, and only degrades the offender.".

> "Dissemination of horror comics is likely to encourage anti-social tendencies among children, and exert a harmful influence on young persons.".

These have been given as the reasons for the other Bill. I hope the Home Minister would consistently apply the same criterian to judge the necessity and reasonableness of this Bill.

When the heat of controversy has died down, this measure would be hailed as a symbol of the great moral and spiritual heritage of India. The forebodings of the people of the tribe of the notorious Lord Ellenborough, that the abolition would be followed by a flood of crimes would prove as baseless here as they did in the UK, where 220 capital offences have been abolished. I have no doubt that the doubters would court the inglorious fame of false prophets.

The abolition would lead, by its great example of acceptance of the principle of sanctity of life by the State, to a substantial and progressive diminution of murder in this country. And our Home Minister, who is a great humanitarian, shall, after the placing of this measure on the statute-book, rank among the great upholders of the sanctity of life, like Sir Samuel Romilly and John Bright, and shall be counted amoung the great penal reformers and humanitarians like Bentham and Beccaria.

I thank you very much for having given me this much time. At this stage, I do not want to take up more of the time of the House.

[MR. DEPUTY-SPEAKER *in the Chair*]

After the Home Minister replies to my motion, I hope I shall have occasion to reply to whatever he has to say.

With these words, I commend my motion for the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Indian Penal Code, 1860, and the Code of Criminal Procedure, 1898, to provide for the abolition of capital punishment, be taken into consideration."

WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING BILL

Pandit Thakur Das Bhargava: With your permission, I may be allowed to move that the Women's and Children's Institutions Licensing Bill be referred to a Select Committee.

Mr. Deputy-Speaker: Yes, the amendment may be moved.

Pandit Thakur Das Bhargava: I beg to move:

"That the Bill be referred to a Select Committee consisting of Her Highness Rajmata Kamlendu Mati Shah, Shrimati Jayashri Raiji, Shrimati Uma Nehru, Shri B. Ramachandra Reddi, Shrimati Tarkeshwari Sinha, Shri Nikunja Behari Chowdhury, Shrimati Amu Swaminadhan, Shri A. M. Thomas, Shri Jaipal Singh, Sardar Amar Singh Saigal, Shri Upendranath Barman, Shri Fulsinhji B. Dabhi, Shrimati Anusayabai Bhaorao Borker, Shrimati Minimata, Shri Diwan Chand Sharma, Pandit Chatur Narain Malviya, Shri Mukund Lal Agrawal, Shri Mohanlal Saksena, Shri Hari Vinayak Pataskar, Shrimati Shivrajvati Nehru, Shrimati Sushama Sen, Shri Radha Raman, Shri Raghubir Sahai, Shri Bhakt Darshan, and Pandit Thakur Das Bhargava, with instructions to report by the 10th September 1956."

I may be permitted to add that I have not included the names of Shri Biswas and Dr. K. L. Shrimali, because they belong to the other House. But I would request them to be kind enough to help the Select Comimttee, by their presence, and they can do so under the rules.

Mr. Deputy-Speaker: I hope the hon. Member would have no objection if the names of Shri Datar and Dr. M. M. Das are also added.

Pandit Thakur Das Bhargava: Yes, they may be added. I have no objection. I have no objection even to the names of the Ministers who are not Members of this House. But I am informed that it is not possible under the rules.

Mr. Deputy-Speaker: They cannot be included.

Pandit Thakur Das Bhargava: If they cannot be included, then, it is certainly quite a different matter. But if the rules allow, I do not object to other Members of the House also being there.

On the contrary, I am anxious that others should also come.

Mr. Deputy-Speaker: The other Ministers can attend, but these two Ministers, Shri Datar and Dr. M. M. Das, would be included.

Pandit Thakur Das Bhargava: Certainly.

Mr. Deputy-Speaker: The question is:

> "That the Bill be referred to a Select Committee consisting of Her Highness Rajmata Kamlendu Mati Shah, Shrimati Jayashri Raiji, Shrimati Uma Nehru, Shri B. Ramchandra Reddi, Shrimati Tarkeshwari Sinha, Shri Nikunja Behari Chowdhury, Shrimati Ammu Swaminadhan, Shri A. M. Thomas, Shri Jaipal Singh, Sardar Amar Singh Saigal, Shri Upendranath Barman, Shri Fulsinhji B. Dabhi, Shrimati Anusayabi Bhaorao Borkar, Shrimati Minimata, Shri Diwan Chand Sharma, Pandit Chatur Narain Malviya, Shri Mukund Lal Agrawal, Shri Mohanlal Saksena, Shri Hari Vinayak Pataskar, Shrimati Shivrajvati Nehru, Shrimati Sushama Sen, Shri Radha Raman, Shri Raghubir Sahai, Shri Bhakt Darshan, Pandit Thakur Das Bhargava, Shri Datar and Dr. Mono Mohan Das with instructions to report by the 10th September 1956".

The motion was adopted.

CRIMINAL LAW AMENDMENT BILL

Shri M. L. Agrawal: You have allotted only three hours for this Bill, out of which one hour has already been spent. So it will be better if you allot some more time, because the Home Minister will take some time for reply and others also may speak.

Mr. Deputy-Speaker: Let us first proceed with the discussion. Then we will see.

Shri D. C. Sharma (Hoshiarpur): I congratulate the hon. Mover of this Bill on the very exhaustive survey that he has given of this problem. But the question is this: has he related his arguments and his facts and figures and his philosophy and his social outlook to the conditions of the country in which we are living? When I ask myself this question, I think that he has been referring to other countries and to other circumstances, but he has paid very scant heed to the conditions that we find in this country. I therefore think that what may be good for a country in Europe or in America need not be good for our country also.

Moreover, I find that the abolition of death penalty has not become so operative that we can take note of it. It has been abolished in a few countries, and they are small countries, and I do not know the circumstances which have led to the abolition of this death penalty in those countries. I have to look at this problem, as the Mover says, from the angle of the social needs and the angle of the social justice in this country. What are those? The hon. Mover of this Bill has said that the interests of a civilised society require that we should abolish death penalty. I ask myself this question: in what context has the word 'civilised' been used? Are you using this word in the same context in which Mussolini used it? When he went to invade Abyssinia, Mussolini said: 'We are going to civilise Abyssinia'. Is it being used in this context that we are marching forward in science and technology? Of course, we are marching forward in science and technology. But I have on the floor of this House listened to the answers which have been given by hon. Ministers about nuclear explosions and about the dangers which fall-outs have produced. A learned Professor of Calcutta University has told us that the fall-outs are going to have genetic

effects on man, on human society and also on other things. Sir, we may be civilised in that sense also because our technological progress has been very high. But I would ask my hon. friend what are the criteria which he has used to think of society—i do not think he has referred particularly to Indian society; he has referred to society in general—what are the criteria that he wants to use to describe a society civilised? I do not say that India is not civilised. We are highly civilised. I do not say that we do not have a very hoary civilisation. We have all that. We are proud of that. We are always rightly and legitimately singing the praises of that. That is all right. But civilisation is quite different from the social framework in which we are living today. The social framework may be a part of civilisation—a small part —but the whole of this problem has to be viewed in the light of the social framework in which we find ourselves today.

Some days back, I read a report of the Inspector General of Police in Delhi. Delhi is the metropolis of India, a very big city. And what did I find in that report? I found in that report that there were so many thefts, there were so many burglaries, there were so many murders and there were so many riots and there were so many dacoities. This is one aspect of our social framework; I do not want to say that this is the only aspect, but this is one aspect of our social framework. As you know, after the second world war, there has been a steep rise in the incidence of all kinds of crime. We have not been able to arrest that up to this time.

So when I look at it, I am not looking at it only from the point of India, but from the point of view of other countries also, and I am looking at it from the social framework point of view which we have here, I find that our society has not as yet arrived at that stage of perfection where you can abolish the death penalty.

I have read this Bill and I find in it nothing but 'omit' 'omit' 'omit' 'omit'. There are so many clauses and sub-clauses and there is nothing but the use of the word omit. 'omit' 'omit'. I would say that the time has not yet come when we should abolish the death penalty because that will come about only when we become grounded in the principles of non-violence, when we become grounded in the principles of truth and when we become grounded in the principles of *ahimsa*. If we live in a non-violent, non-competitive and non-exploitative type of society, I think the death penalty will automatically be abolished. I believe that that is the goal towards which we have to move. But as long as competition is the law of life, as long as violence pervades our life and as long as *ahimsa* is not to be found there, I think this death penalty cannot be abolished. The hon. Member has said that from the abolition of whipping we should go to the abolition of the death penalty. I do not see the logic of it. I never thought that the abolition of whipping was the first step and the abolition of the death penalty was the next step. Of course, we have abolished whipping because that is a kind of barbarism. But we used to give whipping for small crimes, for small lapses from good behaviour or normal behaviour. But to base on the abolition of whipping an argument for the abolition of the death penalty, I would say, is not very logical.

What is the idea behind this death penalty? There are two types of criminals. There was a time when, in England, persons used to be hanged for stealing a thing which was worth only 6d. We have advanced and we have left that behind. But, punishment serves many purposes. Punishment is, I think, more than anything else deterrent. My friend says that it is not necessarily deterrent. I do not

[Shri D. C. Sharma]

know why it cannot be necessarily deterrent. It is the fear of death which, I think, keeps many persons from committing such crimes. It is the fear of the death penalty that prevents people from doing such things. If you abolish the death penalty, it means you make murder cheap, murder without tears, murder without fear of any punishment, murder without any dire consequences, without any fearful consequences. I do not think that can be the philosophy of our society at this time when it is in its present stage of evolution.

It has been said that death penalty inflicts a great deal of suffering upon the survivors of the person upon whom the penalty is inflicted. I agree that this kind of punishment means not only punishment for the person upon whom it is inflicted but also punishment for those having such proclivities. That you cannot get over. There is the individual aspect of punishment and there is also the social aspect of it. Both these have got to be taken into account. In fact, the social aspect of punishment is much more than the individual aspect. Many a time persons have been kept away from committing crime because they have thought of the social consequences of the act. If they had thought only of their own selves, they would have committed crimes. So, I believe, that we have to bring into being a society, we have to bring into being a social framework, we have to bring into being a set of social circumstances where murder becomes superfluous, where nobody would murder, where people would be able to keep their passions under control and where the incentive for bad work will be non-existent. We have to bring into being that kind of society. We have to work for the education of the people; we have to work for the enhancement of the social justice of the people. We have to work for giving people more social justice. We have to bring about that society and if we bring about that kind of society there would be no desire on the part of anyone to commit any murder. But to think that you are doing something grand by abolishing the death penalty is not the right way of thinking.

One great English writer has said that vegetarians are sometimes the most ferocious beings. He said that in some contest I think sometimes humanitarians can also be very difficult persons to deal with. Humanitarians impulses are to be called into play but they should be allowed to go only up to a certain limit. If humanitarian impulses outrun the needs of the social situation, I think, they will lead to disaster. I would, therefore, say that with our social evolution—I am not speaking of India only but of the world—the abolition of this death penalty is not warranted.

श्री जांगड़े (बिलासपुर—रक्षित—अनुसूचित जातियां) : मैं इस विधेयक का विरोध करता हूं । मुझे ज्ञात होता है कि माननीय सदस्य के मन में यह बात बैठी हुई है कि मृत्यु-दंड के उन्मूलन से अपराधियों को सुधरने का मौका मिलेगा, क्योंकि वे किसी विशेष मनोदशा या मनःस्थिति में किसी विशेष परिस्थिति या वातावरण के वश में होकर, जो कि उनके वश के बाहर हो, और भावों की उत्तेजना में कोई दुष्कृत्य या जघन्य अपराध कर बैठते हैं । उनके विचार में अगर ऐसे अपराधियों को सुधरने का और फिर से मानव बनने का मौका दिया जाय, तो वे दोबारा समाज के सम्मानित और उपयोगी अंग बन सकते हैं । माननीय सदस्य शायद यह समझते हैं कि आज के सभ्य जगत में—आज के सभ्य वातावरण में अगर मृत्यु-दंड को कायम रखा जाय, तो वह सभ्यता के विपरीत समाज और मानव के लिए घातक और कलंक का कारण है ।

माननीय सदस्य की शायद यह भी धारणा हो सकती है कि कभी कभी निर्दोष व्यक्ति इस दण्ड के शिकार होते हैं और ऐसा करना

न्याय के सिद्धान्तों के प्रतिकूल है। वह यह भी कह सकते हैं कि कभी कभी ऐसे आदमियों को मृत्यु-दंड दे दिया जाता है, जिन्होंने अपराध किया ही नहीं। मैं आज-कल के व्यवहार और आज-कल की परिस्थितियों को देखते हुए अपनी धारणा इस बिल के प्रस्तावक महोदय की धारणा से विपरीत पाता हूं। यह ठीक है कि हम आदर्श की बात सोचते-सोचते अत्यन्त उदार और भावुक बन जायें और भावुक बन कर व्यवहारिकता की सतह से ऊपर उठ कर अपनी निगाहों को रखें, पर मैं समझता हूं कि हमारी ये शुभ धारणायें भविष्य में हम को धोखा देगी। दुनिया में और भारत में अभी भी ऐसे जघन्य अपराध होते हैं, जिनकी आशा नहीं की जा सकती है। कई लोग तो इसके आदी हो जाते हैं और कठोर से कठोर अपराध कर बैठते हैं। वे सोचते हैं कि यदि हम अमुक अपराध को करेंगे, तो अधिक से अधिक हम को आजन्म कैद की सजा होगी और मेरे पड़ौसी, मेरे वकील मुझे बचाने में मेरी सहायता करेंगे और न्यायालय भी सदयता का व्यवहार करके हमको फांसी की सजा नहीं देगा और हमको केवल आजन्म कैद की ही सजा देगा। हमने देखा है कि बहुतेरे न्यायालयों में मरडर केसेज में ९५ प्रतिशत अभियुक्तों को आजन्म कैद की सजा होती है। उनको मृत्युदंड नहीं दिया जाता। आप हिन्दुस्तान के आज के नहीं पिछले बीस सालों के आंकड़े उठाकर देखें कि जिन लोगों पर कत्ल का जुर्म साबित हो गया है उनमें से कितनों को फांसी की सजा दी गयी है। हमने यह भी देखा है कि जिन लोगों को आजन्म कैद की सजा दे दी जाती है उनकी सजा शुभ अवसरों पर कम कर दी जाती है और माफ भी कर दी जाती है।

फर्ज कीजिये कोई बीस वर्ष का आदमी है और वह किसी को कत्ल करने का विचार करता है तो वह सोचता है कि ज्यादा से ज्यादा मुझे बीस साल की सजा हो जायेगी अभी मेरी उम्र बीस साल है, सजा काटने के बाद भी मैं बीस साल और जिन्दा रह सकूंगा, और इस भावना के कारण वह कत्ल का जुर्म कर देता है। हमने देखा है कि इस भावना के अधीन कुछ लोग औरों से बदला चुकाने का षड़यंत्र रचते हैं और कत्ल करते हैं। ऐसे लोगों के दिल कठोर होते हैं। जब तक ऐसे आदमियों को हम कैपीटल पनिशमेंट (मृत्युदंड) नहीं देंगे तब तक हम देश में अमन और शान्ति कायम नहीं कर सकते।

आज हमारे न्यायालय भी सभ्य जगत के वातावरण को देखकर अधिक उदार हो गये हैं। इस कारण अपराधी मन में यह समझ बैठे हैं कि अगर हम अपराध कर लेंगे तो हमारे वकील हमारी रक्षा कर लेंगे। आपको पता होगा, और हमारा भी यह अनुभव है कि इस कारण आज देश में ऐसे अपराध हो रहे हैं कि जिनका पता लगाना बहुत मुश्किल है। आज केन्द्रीय और राज्य सरकारों के पास ऐसे प्रचुर साधन नहीं हैं कि वे इन जघन्य अपराधों का पता लगा सकें। यदि पता लग भी जाता है तो कानून ऐसा पेचीदा है कि ऐसे अपराधियों को सजा दिलवाना कठिन होता है और अगर सजा दी भी गयी तो कठोर से कठोर अपराध करने पर भी मृत्यु दंड नहीं दिया जाता और अगर मृत्यु दंड दिया भी जाता है, तो हमने देखा है कि उच्च न्यायालय से या उच्चतम न्यायालय से वह कम कर दिया जाता है यानी आजन्म कैद की सजा में बदल दिया जाता है या माफ कर दिया जाता है। इसके अलावा आज न्यायालयों में अभियुक्त को शंका का फायदा इतना ज्यादा दिया जाता है कि अभियुक्त अक्सर बच जाता है। अगर बचाव पक्ष का वकील कहीं पर भी केस में कोई कमजोरी बतला देता है और उसको साबित कर देता है तो मामला ठंडा पड़ जाता है और अभियुक्त साफ बच जाता है, उसको आजन्म कैद की सजा भी नहीं मिलती।

हमने यह भी देखा है कि एक एक आदमी कई-कई कत्ल कर देता है, फिर भी हम कहते हैं कि उसे क्यों मृत्यु दंड दिया जाये। इस प्रकार लोग सभ्यता की भावना में आकर

[श्री जांगड़े]

हमारे समाज पर असभ्यता लाद रहे हैं। यदि यही क्रम जारी रहा तो हम अपने देश में अमन और शान्ति कायम नहीं कर सकेंगे। हम देखते हैं कि आज दंडविधान में सुधार की भावना के कारण देश में अराजकता फैल रही है और फैलायी जाती है। कानून बहुत ढीला है। अदालतें आदर्शवादी हो रही हैं। बचाव पक्ष बहुत मजबूत हो रहा है और हमने देखा है कि जनमत भी कभी-कभी अपराधियों के प्रति दयावान हो जाता है। लोग कहते हैं कि इस बेचारे ने अगर अपराध किया है तो किसी परिस्थिति वश किया है, क्यों न इसको छोड़ दिया जाये। आज ऐसी भावना लोगों के मन में बैठ गयी है। जिन लोगों का ध्येय कोई न कोई अपराध करना होता है वे जनता की इस मनोवृत्ति का नाजायज लाभ उठाते हैं और कानून से डरते नहीं है। वे जानबूझ कर अपराध करते हैं। ऐसी हालत में मैं समझता हूं कि माननीय सदस्य को लोगों में यह भावना नहीं फैलानी चाहिए कि चूंकि अब भारत आजाद हो गया है इसलिए अंग्रेजों ने हमारे ऊपर यह मृत्युदंड लादा था उसको हटा दिया जाये। यह बात लाभ कर नहीं होगी। आज हम तमाम चीजों को एबालिश करते जा रहे हैं। व्हिपिंग एबालिश (बेंत मारने का दंड बंद) कर दिया गया। अब लोगों के दिमाग में यह बात भी आने लगी कि क्यों न कैपीटल पनिशमेंट को भी खत्म कर दिया जाये। आज आवश्यकता तो और चीजों को लाने की है, एबालिश करने की नहीं है। पर मैं और चीजों के लाने की नहीं कहता। लेकिन मैं इस मृत्यु दंड को हटाने के पक्ष में नहीं हूं। हमारे देश विभिन्न भाषाओं का देश है, विभिन्न विचार वाले लोगों का देश है, यह एक उपमहाद्वीप है। हमारे इतने बड़े ३६ करोड़ के देश में इस कैपीटल पनिशमेंट का उपयोग बहुत ही कम होता है। लाखों केसेज में से एक दो में इसका उपयोग होता है। मैं आपको इसका नमूना बतलाऊं। हम अपने राज्य में अखबारों में देखते हैं कि साल में एक या दो आदमी को कैपीटल पनिशमेंट दी जाती है और वह भी बाद में माफ हो जाती है। यदि ३६ करोड़ की आबादी में साल में छ आदमियों को कैपीटल पनिशमेंट हो भी जाये तो उसका असर यह होता है कि लोगों में भय का संचार होता है और इस भय के कारण वे लोग जो कि कोई जघन्य अपराध करने का इरादा रखते हैं उससे पीछे हट जाते हैं, और इस कारण केन्द्रीय और राज्य सरकारों को अमन और व्यवस्था तथा शान्ति कायम रखने में बहुत सुविधा होती है। हम इस भय संचार के लिए इस सजा का अपने स्टेट्युट बुक (संविधि पुस्तक) में रहना पसन्द करते हैं ताकि हमारे देश में अमन और शान्ति कायम रह सके, ताकि देश में हजारों लोगों को कतिपय लोगों के भय से मुक्त रखा जा सके। चाहे हमको लोग असभ्य कहें कि हम मृत्यु दंड को नहीं हटाते, तो भी मैं यह पसन्द नहीं करूंगा कि इसको इस देश से हटा दिया जाये क्योंकि इस सजा के रहने से हम बड़ी संख्या में लोगों को कतिपय अपराधियों के अत्याचार से बचा सकते हैं।

इसलिए मैं चाहूंगा कि माननीय सदस्य इस बिल को वापस ले लें। जिस प्रवर समिति में इस विधेयक को भेजा जा रहा है मैं देखता हूं कि उस समिति के सदस्यों को कानून का अ ब स भी नहीं आता।

उपाध्यक्ष महोदय : वह प्रवर समिति तो दूसरे बिल के लिए है। इस बिल के लिए कोई प्रवर समिति नहीं है।

श्री जांगड़े : माफ कीजिये।

हमारी संसद् देश की प्रतिनिधि संस्था है और देशवासियों के हितों की रक्षा करती है और लोगों के हित में काम करती है। हम एक आदमी को बचाने के लिए हजारों आदमियों को खतरे में नहीं डाल सकते। इसलिए मैं चाहूंगा कि इस विधेयक को वापस ले लिया जाये और कैपीटल पनिशमेंट को रहने दिया जाये।

श्री श्रीनारायण दास (दरभंगा मध्य): माननीय सदस्य ने जो विषय सभा के सामने इस समय उपस्थित किया है वह बहुत ही गम्भीर और विचार करने लायक विषय है। यह विषय ऐसा नहीं है कि जिस पर हम आसानी से अपने विचार कायम कर सकें और जल्दी से अपने दंड विधान में संशोधन कर लें। लेकिन यह विषय ऐसा भी नहीं है कि इसके बारे में यह कहा जाये कि यह विचारणीय विषय नहीं है।

जैसा कि माननीय सदस्य ने कहा, बहुत से दूसरे देशों ने इसके सम्बन्ध में निर्णय भी किया है, बहुत से देश इस पर गम्भीरतापूर्वक विचार भी कर रहे हैं और इसके सम्बन्ध में आगे कार्रवाई करने के लिए लोकमत को भी तैयार कर रहे हैं।

अगर हम विभिन्न देशों की दंड प्रणाली का अध्ययन करें तो हमको स्पष्ट मालूम होगा कि जैसे जैसे मनुष्य की सभ्यता का विकास होता गया है, जैसे जैसे शिक्षा का प्रचार होता गया है, वैसे-वैसे दंड प्रणाली में परिवर्तन होता गया है और उस परिवर्तन का क्रम ऐसा मालूम होता है कि आरम्भ में मानव जाति ने जो दंड प्रदान का तरीका अख्तियार किया था उसमें धीरे धीरे सुधार होता गया है। जहां तक मेरा विचार है दंड देने के पीछे तीन प्रकार के विचार रहे हैं। एक विचार तो बदला लेने का है, अर्थात् यदि किसी ने उस समय के कानून के खिलाफ, या समाज के खिलाफ या किसी व्यक्ति खिलाफ काम किया तो समाज के मन में यह भावना होती थी कि उससे उसका बदला लेना चाहिए। दूसरा विचार दंड देने के पीछे यह रहा है कि ऐसा दंड दिया जाये कि जिसके भय से आगे कोई समाज विरोधी कार्य न करे। और तीसरा विचार दंड देने के पीछे यह रहा है कि जो आदमी समाज के प्रति या किसी व्यक्ति के प्रति अपराध करता है तो वह ऐसा दूषित मनोवृत्ति के कारण करता है, और इसको एक प्रकार की बीमारी समझा जाता है जोकि समाज के वातावरण के कारण उसमें पैदा हो गयी है और उसके वश होकर उसने वह अपराध किया है, इसलिए उसका सुधार होना चाहिए। यह तीन प्रकार की भावनाएं हैं। जैसे-जैसे मानव समाज सभ्यता की दिशा में आगे बढ़ता जाता है वैसे-वैसे यह जो हमने तीन बातें सुधार की कही हैं, अपराध शास्त्र में सुधार के ऊपर विशेष जोर दिया जाता है और यह माना जाने लगा है कि मनुष्य जो कुछ अपराध करता है, चाहे किसी प्रकार का अपराध करता हो, वह न केवल एक व्यक्तिगत बीमारी है बल्कि उसमें समाज की उस समय की जो स्थिति होती है उस समय की जो व्यवस्था होती है, उस समय की जो आर्थिक नीति होती है या उस समय समाज का जैसा संगठन रहता है उस सबका असर जब कोई व्यक्ति अपराध करता है तो उसका असर उस पर होता है। वैसे तो हमारे दंड विधान में बहुत सी दंड की व्यवस्थाएं हैं और उनमें इस समय जाने की आवश्यकता नहीं है। जैसे कि इस विधेयक के उद्देश्य में बतलाया गया है कि कुछ ही दिन पहले इस सभा ने देश में से कोड़ेबाजी के दंड को उठा दिया। मैं यह मानता हूं कि कोड़ेबाजी का दंड वर्तमान अवस्था में उचित नहीं है लेकिन अगर विचार किया जाय तो आपको मालूम हो जायगा कि कोड़ेबाजी की सजा ऐसे-ऐसे अपराधों के लिये रक्खी गई है जो कि बहुत भयंकर हैं और जिनको कि रोकना बहुत जरूरी है और अगर उन अपराधों को हम न रोकें और अपराधियों को हम यह कठोर दंड न दें जिससे कि भविष्य में लोगों में डर पैदा हो जाय और ऐसे अपराध फिर न हों, तो समाज में अनाचार फैल सकता है, फिर भी हमारी संसद् ने कोड़ेबाजी के विषय पर विचार किया और उसने यह राय प्रकट की आज की हमारी वर्तमान अवस्था में कोड़ेबाजी की सजा अनावश्यक है। हम जिस अपराध के लिए बेंतों की सजा देते हैं उसी अपराध को हम दूसरे तरीके से बंद कर सकते हैं और रोक सकते हैं और ऐसे लोगों के मनोभाव को शुद्ध कर सकते हैं और

[श्री श्रीनारायण दास]

सुधार सकते हैं जो किसी कारणवश और किसी उत्तेजनावश ऐसा अपराध कर बैठते हैं और जिसके कि लिए उनको बेंतों की सजा दी जानी चाहिए।

इसी आधार पर मैं यह समझता हूं कि हम इस विषय पर विचार करना चाहिए। आज देश की जो वर्तमान अवस्था है और जो हमारी सामाजिक व्यवस्था है और जिस तरीके का शिक्षा का प्रचार अभी तक हमारे देश में हुआ है उसको देखते हुए मैं यह तो तत्काल नहीं कह सकता कि इस कैपिटल पनिशमेंट (मृत्युदंड) को उठा लिया जाये। यह ठीक है कि हमारा एक सभ्य समाज है लेकिन वह सभ्यता की जो ज्योति है उसको हम अपने करोड़ों भाइयों तक नहीं पहुंचा सके हैं और चाहे सामाजिक व्यवस्था हो, चाहे आर्थिक व्यवस्था या सामाजिक न्याय की स्थापना का सवाल है, उसमें हमने अभी थोड़ा सा कदम बढ़ाया है और इसलिए आज की अवस्था में मैं यह तो नहीं कह सकता कि यह जो मृत्यु दंड है इसको हटा दिया जाय, लेकिन साथ ही मैं यह समझता हूं कि अब समय आ गया है जब हम लोग जो इस संसद् में बैठे हैं और जो दूसरे देश के नागरिक हैं जो समाज में सुधार लाना चाहते हैं और एक आदर्श समाज की स्थापना करना चाहते हैं, उन सब के लिए वह समय अवश्य उपयुक्त है कि इस बात पर गम्भीरतापूर्वक विचार करें। मैं चाहता था कि एक प्रस्ताव के रूप में इस पर विचार होता, एक कमिशन (आयोग) की नियुक्ति होती और एक कमेटी बनाई जाती जिसमें अपराध शास्त्र को जानने वाले या जिनको इस बात का कुछ अनुभव प्राप्त है और जो जेलों के प्रबन्धक रहे हैं और जिनको अपनी जिन्दगी में अनुभव है कि अपराध करके एक अपराधी जेल में कसे जीवन व्यतीत करता है, उसकी कैसी मनोदशा होती है और कैसे उसमें सुधार होता है और जिनको कि हम आजीवन कारावास का दंड देते हैं उन लोगों का या जो जेल से सजा काट कर बाहर निकलते हैं उनका किस तरह का भाव होता है, जिन लोगों ने इन सब बातों का अध्ययन किया है, ऐसे लोगों का अगर एक कमिशन नियुक्त किया जाता और अन्य समाज सुधारकों की भी राय ली जाती तो मैं समझता हूं कि वह उचित होता।

अभी जो विधेयक हमारे माननीय सदस्य ने रक्खा है, मैं उसका समर्थन तो नहीं करता लेकिन साथ ही उसके मैं यह कहना चाहता हूं कि आज आवश्यकता इस बात की है कि हम देखें कि आया हम अपने देश की वर्तमान सामाजिक व्यवस्था में इस मृत्यु दंड को दूर कर सकते हैं या नहीं। यह सभ्य समाज के लिए एक चुनौती के समान है क्योंकि एक तरफ एक व्यक्ति की हत्या हो, अब हत्या करने क समय उसकी क्या मनोदशा होती है, मैंने तो उसका अध्ययन नहीं किया है लेकिन देश के अन्दर जितनी हत्याएं होती हैं और उस सम्बन्ध में न्यायालयों के जो फैसले आदि से अंत तक होते हैं उन तमाम फैसलों का अगर अध्ययन किया जाय तो मैं समझता हूं कि इस बात का पता अवश्य लग जायगा कि जिन मनुष्यों को हत्या करने के अपराध मे दंड दिया गया, उनमें से कितने ही ऐसे थे जो कि निरपराध थे और जिन्होंने कि हत्या वास्तव में नहीं की थी और यह किस को नहीं मालूम है कि अदालतों में किस तरीके से गलत-सलत ग्वाहियां देकर पुलिस उन व्यक्तियों को उन हत्याओं के लिए जिम्मेदार साबित कर देती है और न्यायालयों द्वारा उन बेचारों को सजा दे दी जाती है। खून के मामले में किस को पता नहीं है कि किस तरह से पुलिस लोगों को फंसा लेती है और झूठी गवाहियां अदालत में पेश करके सजा दिलवाने में कामयाब हो जाती है। आखिर जो व्यक्ति खून करने वाला है और जो उसके विरुद्ध गवाही देने के लिए पुलिस बुलाती है वे दोनों उसी एक समाज के तो अंग हैं। इसलिए हमारे लिए यह विचार करने की बात है कि आज की वर्तमान अवस्था में क्या

यह मृत्यु दंड कायम रखना हमारे वास्ते उचित होगा । अगर किसी आदमी ने हत्या की तो उसके बदले में उसकी जान ले ली जाय यह सभ्य समाज के लिए दरअसल एक चुनौती है। मैं पूछना चाहता हूं कि जो हमारा सामाजिक संगठन है, हमने जो पुलिस कायम की है, हमने जो न्यायालय कायम किये हैं या हमारे देश के अन्दर जो गवाही देने का सिस्टम है, और जिस प्रकार की आई विटनेस और सरकमस्टांशियल एविडेंस होती है, क्या दरअसल में वह आदर्श चीजे हैं और न्यायालयों में जो इस सम्बन्ध में फैसले होते हैं क्या वे सोलह आने सही होते हैं ? ऐसे-ऐसे उदाहरण आये हैं जिनमें बावजूद इस बात के कि किसी व्यक्ति को हत्या के अपराध में फांसी दे दी गई और बाद में पता चला है कि वास्तव में वह हत्या करने वाला नहीं था । इसलिए ऐसी अवस्था में यह जरूर विचार करने की चीज है कि जो व्यक्ति हत्या करता है वह क्या किसी उत्तेजनावश में आकर हत्या कर सकता है या तो किसी के प्रलोभन देने पर वह ऐसा अपराध कर बैठता है और इन या और दूसरी अवस्थाओं में उसमें हत्या करने की भावना पैदा होती है, अवश्य ही वह निन्दा करने की चीज है लेकिन एक व्यक्ति विशेष के मन में क्यों इस तरह की भावना पैदा होती है और आया उस व्यक्ति विशेष में कोई ऐसी इनहैरेंट (निहित) छिपी हुई चीज नहीं है या उसके लिए समाज भी कुछ हद तक उत्तरदायी है, यह विचार करने की चीज है, यह हमारे लिए और आज के सभ्य समाज के लिए अवश्य एक चुनौती है और अगर यह सब चुनौती है तो उसको हमें विभिन्न स्तर पर लोकमत को साथ में लेकर और जो उस दंड शास्त्र के ज्ञाता हैं, अपराध शास्त्र का जिन्होंने अध्ययन किया है, उन लोगों की राय इस सम्बन्ध में ली जाय। वैसे अन्तिम निर्णय इस बारे में करने का अधिकार तो हमारी इसी संसद् को है लेकिन इसके पक्ष और विपक्ष में राय लेने के लिए यह उपयुक्त समय है। मैं माननीय सदस्य को धन्यवाद देता हूं कि उन्होंने इस संसद् का ध्यान इस विषय की ओर आकृष्ट किया और मैं सरकार से अनुरोध करूंगा कि सरकार एक कमिशन बैठा करके इसके पक्ष में और विपक्ष में लोकमत का क्या खयाल है यह जानने की कोशिश करें। मैं चाहता हूं कि हमारे देश में इस तरह का एक कमिशन नियुक्त हो और वह इस विषय के तमाम पहलुओं पर हर दृष्टि से वैज्ञानिक दृष्टि से मनोविज्ञान की दृष्टि से और सामाजिक दृष्टि से और यह चीज ध्यान में रख कर कि किस तरह का हमारा पुलिस का संगठन है और न्यायालयों में किस तरह का न्याय होता है, उन सब बातों को ध्यान में रख कर विचार करे कि इस सम्बन्ध में क्या करना उचित है । इस पर ज्यादा नहीं कहना चाहता हूं लेकिन मैं समझता हूं कि यह हमारे लिए जरूर एक चुनौती है और उस चुनौती को हमें स्वीकार करना चाहिए और उस विषय में अध्ययन करने के लिए और छानबीन करने के लिए इस बिल को पास करने के बजाय अगर सरकार एक कमिशन नियुक्त करे जो इस बारे में सब जांच पड़ताल करके अपनी रिपोर्ट संसद् के सामने पेश करे तो अच्छा होगा । इन्हीं शब्दों के साथ मैं इस बिल को अभी पास करने के लिए तो समर्थन नहीं करता लेकिन मैं यह सुझाव दूंगा और मुझे मौका रहता तो मैं यह संशोधन देता कि इसको लोकमत जानने के लिए भेजा जाय ।

Mr. Deputy-Speaker: One amendment has been received from Shri Raghubir Sahai but it was handed over only at 5.25. So, it is late and I cannot accept and entertain it unless the Government is prepared to accept it. May I know the reaction of the hon. Minister? The amendment is that the Bill be circulated for purposes of eliciting public opinion thereon by the 1st December, 1956. I want to know whether the Government accepts that.

6 P.M.

The Minister of Law and Minority Affairs (Shri Biswas): I do not know

[Shri Biswas]

if I should speak now, because it is already six o'clock.

Mr. Deputy-Speaker: I only wanted to know whether the Government is going to accept this amendment.

Shri Biswas: What I suggest is this. As a matter of fact, Government consulted the States and we have got the opinions of the different States. Most of them are against this proposal. Now, the House has got to consider, and the Government have also to consider, whether having regard to that it would be worthwhile circulating it for opinion generally, not merely to the States—that has been done—but to the different High Courts, to the other different bodies and so on. I would in this connection suggest this. The Law Commission is sitting. The Law Commission has been approached.....

Mr. Deputy-Speaker: At this moment I only want to know whether the Government is prepared to accept this amendment.

Shri Biswas: I should not accept the amendment in that form.

Mr. Deputy-Speaker: Then it is too late; I cannot entertain it.

Shri M. L. Agrawal: Would acceptance by the Government mean acceptance of the motion for circulation or that it may be discussed in the House?

Mr. Deputy-Speaker: It would only mean acceptance; nothing more.

Shri M. L. Agrawal: I think there is no harm if this amendment is also discussed by this House.

Mr. Deputy-Speaker: We will see whether it can be entertained for the next day. So far as today is concerned.....

Shri Raghubir Sahai (Etah Distt North-East cum Budaun Distt.-East): I have given notice today.

Mr. Deputy-Speaker: That would be considered separately. It won't be discussed today. When it will come up next time, then we will see whether it can be discussed at that time

6.03 P.M.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, the 25th August, 1956.

COLUMNS

PAPER LAID ON THE TABLE 4245

A copy of the Notification No. S.R.O. 1645, dated the 21st July, 1956 together with an Explanatory Note, under sub-section (3) of section 5 of the Indian Aircraft Act, 1934 was laid on the Table.

BILLS PASSED . . . 4245—84

The following Bills were considered and passed.—

(1) Appropriation (No. 3) Bill 4245-46

(2) Appropriation (No. 4) Bill 4246-47

(3) Government Premises (Eviction) Amendment Bill, as reported by Select Committee . . . . 4249—84

DEBATE ON BILL ADJOURNED . . . . 4284—4303

The motion to consider the State Financial Corporations (Amendment) Bill was moved by Shri A. C. Guha, the Minister of Revenue and Defence Expenditure. After some discussion Dr. Lanka Sundaram moved that the debate on the Bill be adjourned. The motion was adopted and the debate on the Bill was adjourned.

BILL UNDER CONSIDERATION . . . . 4303—28

The motion to consider the Indian Railways (Amendment) Bill, as passed by Rajya Sabha, was moved by the Deputy Minister of Railways and Transport (Shri Alagesan) and discussed and the motion was adopted.

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS ADOPTED 4328-29

Fifty-ninth Report was adopted.

PRIVATE MEMBER'S BILL INTRODUCED . . . 4329

Central Government Servants (Option for Joining Contributory Health Service Scheme) Bill, by Shri Jhulan Sinha was introduced.

PRIVATE MEMBER'S BILL REFERRED TO SELECT COMMITTEE . . 4329—39, 4370-71

Further discussion on the motion to consider the Women's and Children's Institutions Licensing Bill was continued. Pandit Thakur Das Bhargava moved an amendment to refer the Bill to a Select Committee. The amendment was adopted and the Bill was referred to a Select Committee.

RIVATE MEMBER'S BILL WITHDRAWN . . . 4339—45

The motion to consider the Constitution (Amendment of the Sixth Schedule) Bill was moved by Shrimati Khongmen and discussed. The Bill was withdrawn by leave of the House.

PRIVATE MEMBER'S BILL UNDER CONSIDERATION 4345—69, 4371—88

The motion to consider the Criminal Law Amendment Bill was moved by Shri M. L. Agrawal and discussed. The discussion was not concluded.

AGENDA FOR SATURDAY, 25TH AUGUST, 1956—

Consideration and passing of the Indian Railways (Amendment) Bill, as passed by Rajya Sabha and the Indian Institute of Technology (Kharagpur), Bill. Reference to Select Committee of the Suppression of Immoral Traffic in Women and Girls Bill and the Children Bill, as passed by Rajya Sabha. Consideration of the motion to refer the Standards of Weights and Measures Bill to a Joint Committee.